

Follow 4 keys to legally manage employee absenteeism

The costs of employee absenteeism—reflected in lost production, overtime and temporary replacements for the absent worker—can add up quickly.

What's the best way to combat the problem? With a clear policy, careful documentation, consistent application of the policy and progressive discipline.

1. Set a clear policy

Distribute a policy statement indicating when and under what conditions an employee will be paid (or not paid) for absences. Set a maximum: After X number of absences, an employee will be disciplined.

The policy should indicate types and stages of discipline that will apply to employees who violate the policy.

Variations include no-fault policies, which count all absences toward an established maximum, or those that differentiate between excused and unexcused absences.

Caution: Some courts have found that an employer might have to reasonably accommodate an employee's qualified disability under the ADA regardless of its no-fault absentee policy. Also, you cannot count FMLA leave time toward absences under a no-fault policy.

2. Always document absences

Documentation is a cardinal rule in any activity for which an employee may be disciplined. Keep attendance/absence records for all employees.

3. Be consistent

Supervisors should clearly understand their responsibilities for recording absences and counseling and disciplining chronically absent employees.

Yet, you must build enough flexibility into your absenteeism policy to allow for special circumstances—inclement weather, car trouble and so forth. Professional arbitrators often back employees if an attendance policy is so rigid it can't accommodate unpreventable problems.

Advice: Make it clear to employees that a sick leave or absence policy is not a benefit to be equated with vacation time or personal leave.

4. Use progressive discipline

When you're faced with an employee who is chronically absent, progressive discipline works best. There are three parts:

1. **Oral reminder:** The boss discusses the problem with the employee, stating that attendance must improve. If it does—say, for three months—then wipe the slate clean and expunge the documentation.
2. **Written reminder:** If the problem persists, the supervisor should prepare a memo spelling out the situation. Have the worker sign an acknowledgment of receipt and an agreement to work toward better attendance. This goes in the employee's personnel file.
3. **Decision-making:** If absenteeism continues, give the employee a one-day leave of absence to make a decision: continue working while abiding by the organization's policies, or resign.

Assessing absenteeism's impact

A few questions will help you determine the scope of your absenteeism problem:

- Has work gone undone because people were out?
- Have department work schedules been disrupted?
- Have deadlines or production schedules been blown?
- Have managers' schedules been upended because they had to juggle assignments, find replacements or train subs?
- Have costs risen—because of absenteeism?