

# Can we discipline exempt workers for attendance?

**Q. We require all employees to be in by 9 a.m. One of our exempt employees is constantly late. Can we discipline exempt employees for poor attendance? — C.L., Illinois**

**A.** An employer can require exempt employees to record the number of hours they work without jeopardizing their exempt status under the Fair Labor Standards Act (FLSA). According to a U.S. Department of Labor 2006 opinion letter on this topic, “an employer may require an exempt employee to do things such as to record and track hours and to work a specified schedule without affecting the employee’s exempt status.”

Thus, an exempt employee who fails to adhere to an employer’s attendance policy can be disciplined for violating the policy. However, be careful of the form of discipline you use. In particular, deductions from exempt employees’ pay will threaten their exempt status, except in very limited circumstances.