Managers have heard all the excuses: My alarm didn’t go off. My babysitter didn’t show up. I have a bad cold.

While those excuses sometimes ring true, chronic absenteeism and tardiness can become a major problem in the workplace if left unchecked.

One key thing to remember: Managers can’t instantly say, “Be here or be fired” to an employee struggling with attendance issues.

That’s because those absences and late arrivals may be a legal right for employees who have medical conditions—or have family members with medical conditions—that qualify under laws like the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA).

For this reason, managers have to work with HR to employ strategies that not only combat absenteeism, but also avoid legal trouble.
Keep it legal: Questions to consider

Here are questions to ask yourself to make sure you’re on the right track—both strategically and legally:

- Do you have a clear understanding of the attendance policies? Do your employees?
- Do your employees know how to properly report absences?
- Do you enforce company absence policies consistently?
- Do you understand the FMLA before charging employees with unexcused absences?
- Do you consider religious accommodations before charging employees with unexcused absences?
- Do you consider the ADA concerning absences for drugs, alcohol or medical treatments?
- Do you confront employees early if a pattern of absenteeism develops?
- Do you spell out the penalties for absenteeism completely and ask employees if they understand them?

Do’s & don’ts of discipline

When punishing employees for attendance problems, follow these tips:

1. **DO figure out what is an acceptable level of absences.** Know your company policies and make sure the employees know as well.
2. **DON’T penalize employees who have legal reasons for leave,** such as going to physical therapy or a covered medical appointment.
3. **DO make sure you understand who gets the last word on any gray areas** that may be in dispute in any policy that affects attendance.
4. **DON’T undermine your company’s absenteeism policy** by ignoring any step that isn’t convenient.
5. **DO recognize the difference** between an employee who was out one day all year—even if you suspect it wasn’t for a good reason—and an employee who has a chronic problem. Adjust discipline accordingly. The law lets you get tougher on repeat offenders.
6. **DO begin documenting absences as soon as you notice a trend.** Record dates, hours absent and the reason the employee gives for them.
7. **DON’T put employees in the impossible situation** of choosing their jobs over their health or family duties. That could be an FMLA violation.

Tips for tackling tardiness

Employees who are chronically tardy can cause just as many problems as those who don’t show up at all. Shifts can get backed up, co-workers may be forced to work overtime, customers could be left in the lurch. Use the following tips when you’re faced with a chronically late employee:

- **√ Talk with the employee after every late arrival, giving him or her a chance to explain the reason.**
- **√ Counsel employees who are excessively tardy to try to pinpoint what is causing the problem. Warn them that continued late arrivals can lead to discipline, up to termination.**
- **√ Put all comments—yours and the employee’s—in writing, regardless of whether disciplinary action is taken.**
- **√ Be sure to distinguish between excused and unexcused tardiness in your records.**
- **√ Explain that unexcused tardiness has a negative effect on performance appraisals that affects raises, promotions, and continued employment.**
- **√ Spell out penalties for excessive tardiness completely and be sure employees understand them.**
✓ Set improvement goals and dates for when you expect to see improvement in their ability to arrive on time.