

# Work-at-home abuse? Demand accountability

Are you sure employees are working when they are supposed to be? Or are they abusing your flexible rules about taking time off and working from home? You have the right to demand accountability from those you suspect may be abusing your generosity.

**Recent case:** Arthur was a purchasing manager at Bayer, the pharmaceutical giant. The company had a flexible leave and work-from-home policy. Employees merely had to report in advance that they were going to take time off and tell their supervisors when they would be working from home.

Arthur's manager received an anonymous letter alleging that he was abusing the rules and was seldom in the office or otherwise working. An investigation followed. In the end, Arthur was unable to account for 31 workdays in a five-and-a-half month period even after retroactively designating several days as vacation or work-from-home days. He was terminated.

He sued, alleging age discrimination. But the court said that even if Bayer's flexible policy didn't require much in the way of documentation, it was free to demand more from employees it suspected were taking advantage of the flexibility. The court concluded Bayer had a legitimate reason to fire Arthur. (*Pope v. Bayer*, No. 15-422, WD PA 2016)