

Employee Rights Calling in Sick: What You Must Know

We've all been there; you wake up with a scratchy throat and a sky-high fever, and you can barely roll over to turn off your alarm. What's even worse is that it's a workday, so you're faced with the additional stress of deciding if you should use one of your sick days or not. That is, if your employer even allows sick time, as some companies and states don't have sick leave policies.

If you stay home, you've got another stress-inducing decision; how do you call in sick, and what do you say? Not only that, but what will your boss think about you taking off a day, and what about all the work you'll miss? Calling in sick can certainly cause a lot of stress, which is something that you don't need when attempting to recover from an illness.

That's why I'm here to dispel all the frequently asked questions surrounding employee rights calling in sick.

By the end of this article, you'll know:

- How to call in sick without placing your job in jeopardy.
- How to develop a reasonable sick leave policy for employees at your company.
- Which protections exist, and when can you use them (i.e., FMLA leave and ADA).
- Which states have paid sick leave laws.

Before we get started, it's crucial to note that **no federal laws require employers to provide employees with sick leave**. However, there are many state laws that do provide paid sick leave, so it will depend entirely on where you live (more on this in a bit).

Stay tuned to learn everything you need to know about employee rights for calling in sick.

Best practices for calling in sick to work

First, let's start with how to properly call in sick without annoying your boss or letting crucial work pile up.

While it's imperative that you notify your employer of your illness, that doesn't mean that you have to share any specifics of your health condition. Most importantly, calling in sick should be a brief yet concerted affair. You don't want to leave your employer in the dark, so let them know that you're ill and won't be able to make it. If you can, you should also give them a timeline for how long you plan to be out.

For instance, if you can tell it's a 24-hour bug, you can mention that you'll likely (you don't want to be TOO certain) be back the next day. If you suspect you have COVID-19, the flu, or something similar — leave room for more days when you call in sick.

Here's a template you can use for a phone call or a text:

Dear (manager/supervisor),

I woke up very ill with a fever today, and I need to take the day off to rest and recover. I will return to work tomorrow if I feel better. I talked to (coworker) and let them know what to do in my absence.

If I'm out for more than a few days, I will bring in a doctor's note when I return.

Thanks,

(Your name)

That covers all the basics in terms of informing your employer, covering your workload, and providing a bit of wiggle room if you don't feel better the next day.

Finding a replacement during your leave time



Nobody likes taking unpaid sick leave only to return to a massive workload with pressing deadlines. Your employers won't like that either, as your absence will likely cause them to fall behind.

The solution?

When you call in sick, reach out to a coworker that's trained in your position (if there is one). Let them know that you're ill and won't be able to come in and that you'd appreciate them knocking out your most pressing tasks.

To make it worth their while, offer to cover their workload should they fall ill sometime soon.

Taking this extra step will help you rest easy knowing that your work is in good hands, and it will make your boss happy that the company won't fall behind in your absence.

In some positions, like those with shifts, you may need to ask a coworker to fully cover a shift, instead of just covering a task or two.

Should you call or text in sick?

This question will come down to your company policy on the issue. If you aren't sure, you should stick with the same type of communication you normally use with your boss.

For example, if you text your boss everything, texting to call in sick is likely acceptable. Conversely, if you always call your boss, sending a text may not be appropriate, and it may seem as if you're avoiding them.

Either way, as long as you include all the information from the template above, you should be fine.

You can also consult your employee handbook to learn more about your company's stand on sick employees, PTO (paid time off), and more.

What NOT to do

The last thing you want to do is tell a coworker to relay the message to your boss that you're sick. That shows a lack of trust, and it may lead your boss to assume that you're hiding something.

That's why it's best to be completely forthright when calling in sick, and you should strive to speak to your boss directly.

Also, don't beat around the bush when letting your employer know that you're sick. For instance, some employees think it sounds better if they promise to come in for a part-time day if they feel better by noon, but this isn't necessary.

Knowing when to just stay home

If you're genuinely sick, it will take time for you to recover and, more importantly, stop being contagious. As such, it's not worth being a trooper and showing up sick, as you'll likely spread your illness to others — which will cause an even more significant dip in productivity than if you just stayed home.

In addition, employers have become more understanding of workers calling in sick since the COVID-19 pandemic, with most companies taking a 'better safe than sorry' approach.

This stance makes sense from a productivity perspective, as it's best to do what you can to keep the majority of your employees healthy.

As an employer, if you're too adamant that nobody ever calls in sick, you're just asking for a bug to spread throughout your entire business, which can spell disaster.

Can you get fired for calling in sick?

To answer this question, you must understand at-will employment and states.

Besides Montana, all states in the US are at-will, which means two things:

- Your employer can fire you at any time and for no reason (as long as the reason isn't illegal)
- You can quit your job at any time and for no reason

That means that you CAN get fired for calling in sick if it rubs your boss the wrong way and they feel like firing you. Not only that, but they can choose not to list the reason why they terminated you, so you likely won't know why you were let go.

That's why it's wise not to make a habit of calling in sick just to score free days off. Accrual of sick days could signify that you're faking it just to score extra vacation time.

Also, you should avoid social media like the plague during your sick days.

That's because calling in sick and then posting photos to social media can make your employer think you're faking it (even if you took the photos when you were well and are just uploading them now, it's still best to stay off social media until you return to work full-time).

Some protections exist for sick employees, so let's take a look at them.

States with Mandatory Paid Sick Leave

If you live in one of the following states, your employer is required by state law to provide paid sick leave:

- Arizona
- California
- Colorado
- Connecticut
- Maryland
- Massachusetts
- Michigan
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island

- Vermont
- Washington
- Washington D.C.

Recovering from a Work-Related Illness or Injury

You're protected under workers' compensation laws if you got sick or injured while you were on the clock (such as falling and hurting your back or getting sick from unsafe fumes).

That means your company will NOT be able to fire you while you're on sick leave. Moreover, they'll be on the hook for paying your medical bills as well as your regular wages while you're away.

The Family and Medical Leave Act (FMLA)

If you have a serious medical condition (such as cancer) that requires you to be out of work for up to 12 weeks in a 12-month period (one calendar year), you could qualify for protection under the [Family and Medical Leave Act](#).

While the leave time provided by this Act is unpaid, your employer cannot fire you during your time off, so you'll be able to return to your position.

The Americans with Disabilities Act (ADA)

If your illness is due to a disability, you may be able to take protected time off under the [Americans with Disabilities Act](#).

The Act states that employers must provide reasonable accommodations for disabled employees to perform their duties. As such, if your disability makes you fall ill, you may be able to take time off under the umbrella of 'reasonable accommodations.'

Yet, there are 3 ways an employer can fire a disabled employee, according to the [US Department of Labor](#):

- If the termination doesn't have to do with the disability
- If the employee can't meet the requirements for the job in lieu of reasonable accommodations
- If the employee's disability poses a direct threat to the health and safety of other employees

As such, protection under this Act isn't as reliable as paid sick leave states and FMLA.

Creating a reasonable sick leave policy at your company

If you're a manager or work in human resources, you may be wondering how to implement an effective sick leave policy.

Here are some best practices to follow:

- Be open to letting employees call in sick to avoid infecting the rest of the office.
- Require that employees bring in a doctor's note if they're out for more than one day.
- Require that employees notify you at least two hours before they're supposed to begin working.
- Allot your employees a reasonable number of sick days per year (the average is at least 3 - 5 days)
- Provide disciplinary actions for excessively calling in sick

These guidelines should help you develop an effective sick leave policy for your company.

Concluding thoughts: Employee rights calling in sick

That's everything you need to know related to employee rights and calling in sick. While there are no official federal laws pertaining to sick leave, there are plenty of state laws and legislative acts that provide protections.

When calling in sick, it's best to be honest about how long you plan on being out and find someone to handle your work while you're out. That way, you stand the best chance of not getting behind or annoying your boss.