

Can FMLA absences count against an employee's attendance bonus?

Q. We provide a perfect-attendance bonus to any employee who is not absent or tardy during the calendar year. If an employee's only missed time is for a medical leave of absence, does the FMLA require us to nevertheless provide the perfect-attendance bonus?

A. No. Thanks to the recent regulatory changes to the FMLA, employers may now lawfully deny a perfect-attendance bonus to an employee whose only missed time is on account of FMLA leave.

While employers are now within their rights to deny perfect-attendance bonuses to employees who take FMLA leave, the bigger question is whether an employer would want to withhold such a bonus. Before implementing this policy change, consider the message it sends to your employees: We value you, but only if an unforeseen medical condition does not get in the way.