

Give Your Attendance Policy a Check-up



Attendance can significantly impact a company's productivity and profits. While other factors, such as employee engagement, may affect attendance, a well-written and communicated attendance policy outlining a company's expectations and the consequences for unsatisfactory behavior is the first step in combating attendance problems.

An effective attendance policy includes these components:

Policy Statement

Providing employees with an understanding of why attendance is important to the company, co-workers, and customers. The statement provides the context for the rest of the policy.

Notification Procedure

Employers should provide clear direction about how an employee should notify the employer of an absence or a tardy. Directions should include whether the employee must call before the shift begins, and if so, how much notice is required.

The employer should also determine who the employee should call—a centralized number or the supervisor, for example. If the employee is to call the supervisor, ensure that the right phone numbers are given to employees. Specify whether voice mail messages and/or calls from an employee's representative are acceptable.

Consequences

How will the organization's corrective action procedure apply to excessive absenteeism? Coaching or counseling, and later corrective action, should occur at specific points when an attendance problem exists. Communication is critical. If there is an attendance problem, it should be discussed early and often. A termination for unacceptable attendance should never be a surprise.

Absenteeism or tardiness with no prior notification is detrimental to the employer since it requires a supervisor to quickly regroup to address the needs of the day. Because of the negative impact, employers should apply stiffer corrective action consequences in these situations unless the employee has a good reason for not calling in.



Expectations

It is important for employers to determine what constitutes acceptable attendance and communicate the standard to employees. With proper communication and enforcement, employees should understand that absenteeism beyond the standard is unacceptable and will result in corrective action. Two of the most common attendance programs are no-fault attendance programs and excused/unexcused absence programs. Whatever program is selected, the details must be established in the policy: expectations, exceptions, and time frames. The clearer the policy, the more guidance it will provide to supervisors and employees resulting in fewer disputes.

Compliance

Employers must ensure that their attendance policies are in compliance with federal and/or state regulations by excepting certain types of absences from their attendance policies.

- **Wage and Hour.** Exempt employees are paid on a salary basis and must receive their full weekly salary for any week in which work was performed, with some exceptions. Making improper absence-related deductions from the pay of exempt employees may result in a finding that the employees aren't exempt, resulting in significant potential liability. Applying unpaid suspensions of less than a full week due to excessive absenteeism must be done carefully.
- **FMLA.** The federal Family and Medical Leave Act (FMLA) provides eligible employees with protected leave for certain situations. Some states provide protected family and medical leave as well.
- **Military Leave.** FMLA and the Uniformed Services Employment and Reemployment Rights Act (USERRA) create legally protected leaves for employees in the service and/or family members of servicemembers.
- **ADA.** The Americans with Disabilities Act (ADA) and state disability laws require employers to not discriminate on the basis of disability. ADA requires employers to make reasonable accommodations for employees with health conditions, which may include modifying its attendance rules.
- **Worker's Compensation.** Worker's Compensation laws protect employees who need time off due to work-related injuries and illnesses.
- **Equal Employment Opportunity.** All federal and state equal employment opportunity laws prohibit discrimination in terms and conditions of employment, such as employers' attendance policies.
- **Unemployment Compensation.** When deciding to discharge an employee due to attendance, the employer should ensure that it has followed its attendance, documentation, and corrective action policies. If the employer is not able to show the employee knew the attendance expectations, the employee may be eligible for unemployment benefits. If the state agency decides the employee's final absence or tardy was for a valid reason, the employee may be awarded unemployment compensation.


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Some flexibility in the application of the policy can be beneficial. Strict attendance standards and no-fault attendance policies that include mandatory discipline may exacerbate "presenteeism" where ill or impaired employees come to work to avoid discipline. Such behavior may lead to safety, health, or productivity issues for the employer. In more extreme situations, such as a pandemic or natural disaster, the employer may wish to suspend its attendance policy.

Once you have developed or rewritten your attendance policy, don't forget to communicate the policy to your employees and train your supervisors on how to administer it.

MRA's HR Hotline can help you!

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