

Late Again! How to Manage Absenteeism and Tardiness



Absenteeism and tardiness are probably two of the most common, yet difficult to manage employee behaviors to manage. Oftentimes, a supervisor must make a judgment call about the seeming justification for absences or tardiness. Factors that come to play include the employee's performance and value to the organization, their length of service and absences protected by law.

Some employers implement a simple standard for non-acceptable absenteeism standard that clearly defines the number of acceptable absences and tardy incidents allowed during a defined time period. There are specific circumstances that may determine if a specific incident should be recorded against the employee. Overall, an objective standard of measurement can prevent other problems.

However, there are some absences that are protected by law, including:

- Federal Family and Medical Leave Act (FMLA). For more information, see [Fact Sheet: Family and Medical Leave](#)
- California Family Rights Act (CFRA). For more information, see [Family Care and Medical Leave and Pregnancy Disability Leave](#)
- New Parent Leave Act. For more information, see [New Parent Leave Act](#)
- Pregnancy Disability Leave (PDL). For more information, see [Pregnancy Disability Leave](#)
- The Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA). For more information, see [A Guidebook to Disability Laws](#)
- California's mandatory paid sick leave (PSL). For more information, see [California Paid Sick Leave Act: Frequently Asked Questions](#)
- Workers' Compensation. For more information, see Division of [Workers Compensation](#)

Absences protected by these laws and others cannot be counted against an employee. Caution: A "no-fault" attendance policy, when disciplinary action is triggered after a defined number of absences or late reports, could result in liability for the employer under the ADA for not providing the required reasonable accommodation to an employee with disabilities. The same is true of other protected leave laws such as mandatory PSL.

There are several other protected absences. Granting leaves of absences must be uniformly administered to prevent claims of discrimination.

There are no legal standards for absenteeism or tardiness problems prior to taking disciplinary action.

Administering the attendance policy unfairly could cause a discrimination or retaliation claim, even if the system is meant to be objective.

Best Practices for Managing Absences and Tardiness

- Document all attendance incidents daily, be precise and consistent. Employees who know that their attendance is being recorded daily may be less inclined to abuse the attendance policy.
- At the end of the year, include each employee's annual attendance record in the personnel files and start a new one.
- Maintain a binder of the attendance records for all employees for daily updates. The system must be fair, objective and consistent.
- Attendance infractions should be reported to the payroll processor consistently. Non-exempt employees should be docked for time not worked.
- Employees' attendance records should be part of their performance review.
- Do not count absences or tardiness against an employee if it is protected by law.