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1987

## Employee attendance: good policy makes good sense

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# Employee Attendance: Good Policy Makes Good Sense

*Discipline is the cornerstone to a successful attendance-control program*

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By K. Dow Scott, Steven E. Markham and G. Stephen Taylor

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**M**ost managers agree that absenteeism is a costly and pervasive problem for organizations. Steers and Rhodes (1984) estimated that employee absences from work cost the U.S. economy more than \$30 billion annually. Moreover, a recent study by the Bureau of National Affairs Inc. found that managers consider absenteeism their most serious discipline problem (BNA, 1985).

Not surprisingly, consultants, academicians and business executives have proposed almost as many solutions to absence problems as there are causes. Although many of these absenteeism reduction programs border on the exotic, most managers use basic discipline procedures to control absences. And these discipline programs are *potentially* effective ways to reduce absenteeism and to increase performance without creating mistrust and dissatisfaction among the workers. Unfortunately, our experience indicates many of these programs do not fulfill their potential (Markham and Scott, 1985).

Three reasons are evident in the dismal performance of discipline programs in controlling absenteeism: poor design, improper implementation and haphazard monitoring of the program. For example, a national survey of absenteeism control practices,

funded by the ASPA Foundation (Scott and Markham, 1982), showed that while disciplinary measures are the primary means (more than 95 percent) used by managers to reduce absences, roughly 25 percent of the 1,000 respondents had no clearly written attendance policy. Furthermore, a recent study by Scott and Taylor of 146 absenteeism-related discipline cases taken to arbitration revealed that the employer's action was upheld only 52.7 percent of the time (77 cases). In the other 47.3 percent, the arbitrator ordered the employer to reinstate the grievant, and in almost a half of the decisions, to provide back pay. Arbitrators apparently found for the employee because attendance policies often were put into place and then allowed to deteriorate: employee attendance is monitored inconsistently (if at all); poor attendance is ignored; employees with bad records are routinely given "one more chance," and so on.

The end result of these conditions is that many discipline-based attendance programs are ineffective and create dissension within the work force because of

perceived and actual inequities. Yet the cornerstone of any good attendance-control program is effective discipline to establish standards of acceptable attendance and to confront employees who abuse the policy. Only when an effective discipline policy is in place does it make sense to use additional, innovative programs to increase attendance.

This article examines the elements that must be included in an attendance policy if it is to reduce absenteeism, ensure employees receive fair treatment and be legally defensible before an arbitrator or a judge.

## *Elements of a successful policy*

In the study of the 146 absenteeism cases cited, eight issues were found to be central to the design and administration of an attendance policy (Scott and Taylor, 1983). Given the gravity of a discharge—the industrial equivalent of capital punishment—an analysis of these results should help clarify the "do's and don'ts" of employer discipline for absenteeism. At issue are the following:

- existence of a written policy statement;
- articulating the difference between excessive absenteeism vs. misconduct as a reason for discipline;
- use of progressive discipline;

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- definition of excessive absenteeism and the establishment of discipline standards;
- use of an impartial investigation into the cause of the absences;
- enactment of a policy which allows the employee to improve his/her record through good attendance;
- proper communication of the attendance policies;
- consistent application of the policy.

### ***Written policies***

To defend itself successfully before either a judge or an arbitrator, an organization *must* have a written attendance policy specifying: (1) what constitutes excused and unexcused absences; (2) what specific actions would be taken in response to violations of the policy; and (3) under what circumstances must employees call in when they are going to be absent.

The existence of a written policy is so important that, where one exists, arbitrators are unlikely to order back pay settlements even if the employer has been inconsistent in the application of that policy (Scott and Taylor, 1983). So even if the employee has to be rehired, the employer is usually not responsible for any of the individual's lost wages.

Even when employees are represented by a union, management still has the right to establish an attendance policy unilaterally. Arbitrators frequently have recognized the authority that is vested in management to establish work policies, as well as management's need to control the work force. This authority includes the right, without penalty, to make policy changes, provided these changes do not violate the law or infringe on other rights explicitly given to employees.

However, if this unilateral change does violate specified contractual rights of employees, an arbitrator can be expected to compensate employees for any losses they might

sustain. Even so, the arbitrator is not likely to order management to revert to its prior practices (cf. General Foods [72-1 ARB 8099], Kellogg Co. [72-1 ARB 8261], Ore-Ida Foods [72-2 ARB 8377], Park Poultry [71 LA 1], Stroh Die Casting [72 LA 1250]).

### ***Reason for disciplinary action***

Employers can discipline absent employees for two categories of offenses. The first is for violating company rules (misconduct), and the second is for poor performance (excessive absenteeism). Misconduct occurs when the employee is absent for a reason management does not consider to be legitimate (i.e., a violation of policy). For example, if an employee calls in sick and then is observed playing golf the same day, an obvious abuse has occurred, and the worker should be disciplined. Whenever the *reason* for an employee's absence explicitly enters the decision as to how that person should be disciplined, the policy can be termed a misconduct policy.

Misconduct policies are widespread; 88 percent of the respondents to our 1982 survey of absence-control programs indicated they will discipline employees for misconduct. However, management often has a difficult time defending such a policy. The main reason for this difficulty is that management must prove the absent employee violated company rules—often very difficult to do. If an employee wants to stay home to rest, to work on a special project, to clean the house or to watch the "soaps," it is very difficult to prove he or she was not sick.

Furthermore, when employees are allowed to use a medical excuse as a legitimate reason to miss work (a practice followed by about 77 percent of our 1982 sample), it is not unusual for employees to find sympathetic doctors from whom such excuses can be easily obtained. (This is not to say doctors act unethically. Rather, from the physician's viewpoint, certain maladies are difficult to diagnose,

and because of concerns about malpractice suits, doctors often act conservatively.) Thus, a major problem with misconduct policy is that it casts management in the role of "enforcer."

In spite of these inherent weaknesses, a disciplinary policy for misconduct is absolutely necessary, if only clearly to prohibit totally unacceptable attendance behavior, such as calling in sick to play golf. However, while an attendance policy which focuses on misconduct is a necessary prerequisite for controlling absence, it is insufficient by itself. The general level of absenteeism will not be substantially reduced under a misconduct policy because very few people are actually "caught" and disciplined.

In contrast, an excessive absenteeism policy tends to do a better job of reducing absenteeism than a misconduct policy. Sometimes termed a no-fault policy, this plan focuses simply on the number of absences without regard to their reason. Management does not try to establish fault, since there are no "legitimate" or "illegitimate" absences. What this policy does do, however, is identify those employees with *performance* problems caused by lack of regular attendance. In other words, excessive absenteeism is defined as a performance situation which can be improved rather than a misconduct problem which should be punished. The philosophy behind such a policy is that the employer must have employees who show up for work on a regular basis. If a person cannot be depended upon to be at work, even if he or she has the best reasons for missing work, then the employer is obligated to discharge that person.

This type of absenteeism policy offers three major benefits. First, it removes the obligation of trying to distinguish between abuse of the policy and legitimate reasons for being absent.

Second, it recognizes the basic business reality that the organization is obligated to serve its

clients or customers effectively and efficiently. An excessive absenteeism policy focuses on the responsibility of the organization to its customers, its stockholders and to the other employees who are good attenders.

Third, it places supervisors in a healthier relationship with subordinates. Under a misconduct policy, the supervisor either has to catch the employees in the act or be able to prove that the person has abused the policy. However, with an excessive absenteeism policy, the supervisor can work with employees who have attendance problems without taking responsibility for the employee's behavior. Supervisors then are more like counselors than prosecutors. Employees in turn are treated more like adults and less like children who must be watched.

An excessive absence policy also makes sense from both an administrative and a legal standpoint. Administratively, supervisors find it much simpler to count absences than to gather evidence that the person was absent for the wrong reasons. Equally important, excessive absenteeism policies have been supported by arbitrators and judges (U.S.C. Sec. 2000e-2, P. 6540; 29 U.S.C. 623(a), P. 8024). In these cases, the mere fact that employees miss work due to legitimate illness or injury does not excuse the absence because there are limits to the amount of absenteeism that an organization can tolerate, regardless of how justified.

With respect to this issue, we recommend establishing two written policies. The first is a misconduct policy defining what types of absenteeism violate work rules and which can be incorporated into a general discipline policy (company rules).

The second policy defines excessive absenteeism and should be incorporated into work rules which concern employee performance. In this way, employees will be held responsible for work attendance as a performance

requirement. After all, if a person is not at work regularly, how can he/she be considered a good performer?

### ***Progressive discipline***

A good attendance policy also includes a progressive discipline clause. Under this program, employees receive increasing levels of punishment for more severe violations of rules or for repeated violations of the same rules. Basically, this system attempts to shape employees' behavior and to give them the information needed to understand clearly the consequences of their actions.

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**A** good attendance policy also includes a progressive discipline clause.

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This type of program contains a number of procedural steps that usually include an oral warning, a written warning and suspension prior to discharge. The appropriate step in this process is dependent upon the employee's number or frequency of absences. An employee with, for example, three absences in a six-month period may receive an oral warning. Later, if this person accumulates four additional absences, thus giving him/her a total of seven, then a written reprimand will be issued. Should poor attendance continue, a more severe warning would be given and then the employee would be discharged.

Once an employee has received a written warning for excessive absenteeism, we suggest that each additional absence require a written excuse, (e.g., from a

doctor, a funeral director, etc.). Furthermore, someone from the Personnel Department should act as an impartial investigator to look into all suspicious absences. Should the fourth step in this process be reached, then certainly a representative from Personnel should review the case to ensure that the employee receives his/her due process before discharge occurs. (It should be noted that when progressive discipline is first implemented, all employees should start out with a clean record.) This "fresh start" also helps reduce the feeling that a crackdown is taking place.

The primary advantage of progressive discipline is that workers perceive it as being fair and that it reduces morale problems caused by crackdowns on absenteeism. Furthermore, judges, arbitrators and government agencies that protect employee rights have deemed, for the most part, progressive discipline to constitute fair treatment.

### ***Defining absenteeism and setting standards***

The definition of absenteeism is another necessary element of an attendance control policy. For the purposes of an excessive absenteeism policy, it is *not* necessary to distinguish between dozens of possible reasons for any absence incident. This defeats the purpose of having an excessive absence policy. Basically, all absences are treated as similarly as possible regardless of the reason—personal days, illness, bereavement, etc. However, even under an excessive policy, we recommend that a few types of absenteeism not be counted for disciplinary purposes. Most of these exceptional situations should be handled on a case-by-case basis. For example, when employees suffer catastrophic injury or illness, such as heart attack, cancer, trauma, major broken bones or stroke, they probably should be treated differently than other absences. After all, catastrophic

illnesses and injuries are not repetitive and can be objectively verified.

In fact, if an injury clearly falls under the jurisdiction of your state Workers' Compensation laws, the days the employee misses from work while recuperating probably should not be counted as absences. Because serious health problems and job-related injuries tend to be long lasting, such an affliction could cause the person to be severed from the organization if no effort were made to account for such events. Thus, fairness suggests that such occurrences receive special treatment.

Keep in mind, however, that when you exclude certain absences, you are making the implicit decision to tolerate higher labor costs. After all, regardless of how unique the situation, the missing employee's work still must be performed. Furthermore, the greater the degree of judgment required to determine if an absence is legitimate makes the policy more difficult to administer.

Once absenteeism has been defined, determine the number of absences required to constitute excessive absenteeism. General guidelines can be offered, although basically this is an organization-specific problem. First, when setting standards, consider the disruptiveness created by the absence. For example, a nurse's absence can be quite disruptive because it can directly affect the lives of people under his/her care. Nurses can be difficult to replace and are essential for the safe operation of the hospital. Therefore, an allowable level of absenteeism for nurses would be very low. By comparison, a university professor can reschedule classes or get a replacement, so little disruption may be associated with a specific absence.

A second consideration is the cost required either to obtain a replacement worker or to delay the work altogether. If the employee is easy to replace, or if

he/she can simply make up the work the next day, an arbitrator is not going to treat the case with the seriousness of one involving a person whose absence shuts down an assembly process for want of a suitable replacement.

A third important factor is the amount of absenteeism already allowed. For example, an organization that gives employees a large number of "free" days to be used at their own discretion, can require a correspondingly low number of additional absences to trigger the disciplinary process. Once the allowed days are used up, progressive discipline may start immediately. For example, we worked with an urban transit organization that contractually gave employees 10 days annual leave to use as they pleased. Because of the number of allowable absences, an 11th day's absence triggered the discipline process.

While it may appear logical to set an absence standard, not all managers are willing to do this. Many are concerned that by doing so, they will give all employees, even those with good attendance records, the idea that it is all right to miss a certain number of days from work. While this is a possibility, we believe that the advantages of having a standard (or at least a clear guideline) outweigh the disadvantages. Without a standard you have a difficult time defending your policy in court, before protective agencies, and before arbitrators. Furthermore, most employee groups develop an implicit standard for what is an acceptable level of absenteeism. If your current absenteeism level is unacceptable, then the group's implicit standard is too high, and management would benefit by establishing its own explicit standard.

All in all, it seems more advantageous for an organization to adopt an absence standard, especially if the firm has an excessive absenteeism policy. However, regardless of which policy is used, there is an

underlying problem in establishing a metric for absenteeism. In other words, how are absences to be measured?

Basically, there are three different ways to calculate absenteeism. The first emphasizes the overall cost of absenteeism by tracking the total number of lost days or hours (minus absences that are designated as exceptions). A second method ignores the total cost in favor of tracking just the number of incidents. This method assumes that, from the employees' perspective, they should not be penalized for longer incidents over which they presumably have little or no control. From the organization's perspective, the incident measure discourages the short, one-day absence which occurs most often and is difficult to control. However, this method may

encourage employees to be absent longer, which is a drawback that must be carefully considered by management. To understand the difference between these measures, assume an employee has missed two days of work one month and then four days the next month. Under the first method, this worker has missed six days (2 days + 4 days). If each absence is treated as a separate incident, then the person has two absences (a 2-day and a 4-day absence).

A third method, the point system, combines attributes of both of the above methods. A point system recognizes that certain types of absence are more disruptive than others. For the most disruptive types, the employee receives the greatest number of penalty points. For example, when a supervisor has advance notice of an absence, he/she may have an easier time finding a replacement. Because the supervisor didn't have to spend the first half hour of the shift wondering when or if the missing employee might show up, this type of absence is much less disruptive than when the worker gives no notice at all.

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Under this program, employees are encouraged to call in at least 12-to-24 hours in advance. Also, the closer their call is to the start of the shift and therefore the more disruptive the absence, the more penalty points they are given. Just like any other progressive discipline system, an individual's total points determine the type and severity of punishment received. If the employee still does

not correct his/her behavior, more points are "earned" and the various discipline steps are triggered.

### ***Impartial investigation***

Arbitration case records indicate an impartial investigation by management is important in a successful defense against an absence-related grievance. However, this investigation must do more

than simply substantiate the amount of absenteeism, even under an excessive absenteeism policy. In the previously mentioned study of arbitration cases, the grievant was returned to work in 27 of 29 cases in which the employer did not investigate the reason for the absence (Scott and Taylor, 1983). The logical conclusion from this is that an employer who fails to investigate the reasons for an employee's absences (or who conducts an investigation in a biased manner) is almost guaranteed to lose the grievance.

Arbitrators' decisions in these cases, however, show an interesting contradiction. On one hand, they consistently find that employees can be discharged for excessive absenteeism; on the other hand, they insist that the reason be investigated. We suspect that in cases where an employee is to be discharged, the arbitrator's notion of fair play dictates that due consideration be given to the employee.

During the investigation process, it should be made clear under which attendance policy the employee is being disciplined. If a person is being charged under the excessive absenteeism policy, do not debate with the employee the legitimacy of the absence reasons. If you do, you are reverting to a misconduct policy and forcing yourself to prove the person is violating the policy.

### ***Rewarding improvement***

Employees should be able to move back into good standing once they have corrected their attendance problems. One way to reward a problem employee for improving his/her attendance record is by moving the employee back down the steps of the progressive discipline policy. For example, an individual at the second step of the process (written reprimand) may be able to move back to the first step (oral warning) after, perhaps, three months of perfect attendance.



An alternative way to accomplish the same effect is to use a 12- or 24-month rolling calendar when tallying an employee's cumulative absence record. Here employees' attendance records are recalculated each month to include only the most recent 12- or 24-months. We prefer a 24-month period over a 12-month period because the longer period makes it more difficult for a troublesome employee to manipulate his/her attendance record and avoid punishment. Interestingly, only 47 percent of the organizations in our absenteeism practices survey of attendance policies had a procedure for rewarding this kind of improvement.

### ***Communicating with employees***

While ignorance of the law is not an admissible defense in the courtroom, it is accepted by arbitrators. This means that the employer must be able to show that all employees were made aware of the company's attendance policies, and that clear and frequent attempts were made to communicate any policy/procedural change to the work force. In our analysis of arbitration cases, employees were unaware of the specific attendance rule(s) which they were accused of violating in 27 cases (19 percent of the total). Moreover, the employee was reinstated in 23 of these cases (85 percent of the 27 cases in question). Thus, companies must clearly communicate their attendance policies.

However, do not assume that simply making employees aware of a formal attendance policy will be an adequate defense against a claim of unjust discharge. For instance, in *Shell Chemical Co. and Oil vs. the Atomic Workers International Union* (81-2 ARB 8570 [1981]), the grievant admitted knowledge of the rules she had broken. Yet the company was ordered to reinstate her, because

the employer suddenly began vigorous enforcement of long dormant absence policies without informing the work force of this new emphasis.

Communicating the details of the attendance policy does not mean merely sending a memo to department heads instructing them to make their employees aware of the policy. Instead of this haphazard approach, a planned organization-wide communication effort should be made. First, supervisors and managers should receive training about how the program works and what they must do to administer it. Second, the employees must be made aware of the policy. However, simply handing out a written copy of the attendance policy is not sufficient communication. After all, 26 million adults in this country are functionally illiterate. We suggest that each supervisor verbally inform his/her subordinates about the details of the policy and how it will affect them. Then make sure that each employee receives a written copy of the policy (ideally, the workers will sign a statement acknowledging receipt, which may prove an invaluable defense in either a courtroom or arbitrator's hearing). Finally, periodically remind employees about the policy. Also, both written and verbal communications must emphasize that top management is fully supportive of the policy and that employees are expected to be at work when scheduled.

Third, all new as well as current employees must be made aware of the company's attendance policies. To convey this to new-hires, a module on attendance expectations should be incorporated into the orientation program. Here, too, the information should be given both verbally and orally. Also, consider having a signed receipt from each employee acknowledging presentation of this material. Surprisingly, our experience suggests that a large number of organizations do not communicate

clear attendance expectations to new employees.

### ***Consistent application***

Finally, the consistent application of a firm's attendance policy is one of the major factors influencing the outcome of arbitration cases. We found that of the 77 cases in which discharge for excessive absenteeism was upheld, a consistently applied policy was a characteristic of 73 (97 percent) of them. Similarly, of the 30 instances where the employee was reinstated with back pay, the employer failed in 67 percent of the cases to apply attendance control policies/procedures in an even-handed manner. In the 45 cases in which the company lacked a consistently applied policy, only one dismissal was upheld. In our 1982 absenteeism practices survey, we found that firms that consistently applied their policy had a significantly lower absence rate than did organizations without this consistency.

To achieve this degree of consistency, conduct periodic reviews of attendance data. We believe this is an important element of fair play.

### ***Conclusions***

A good attendance policy must distinguish between employee absences related to misconduct and those defined as excessive. Although a misconduct policy is essential to a well managed business, it will only prevent extreme abuse. The excessive absence policy will be more helpful in reducing the overall absenteeism rate. As pointed out by Kuzmits (1981), an excessive or no-fault system is built around clear standards of behavior.

If you install a good excessive absence policy, you will probably reduce absence, but will you take care of the entire problem? The answer is no. There are, at a minimum, two other conditions that must be met. First, an information system for monitoring absenteeism is an essential element

of any absenteeism control effort, since both misconduct and excessive absence policies require accurate and timely absenteeism data. If this information (be it manually collected or computerized) is not available and acted upon, inconsistent treatment will occur and the policy will be compromised.

Second, even a well written attendance control policy often will not reduce absenteeism to the lowest possible level. Therefore, we recommend a comprehensive attendance-control effort which includes positive rewards for good attenders. Since typically only 10 percent - 30 percent of an organization's employees have attendance problems, most employees will never be affected by the excessive absence policy, even though they take a few more absences than they need each year.

But we have found that reward and recognition programs can

improve attendance for selected groups of employees (Schmitz and Heneman, 1980; Scott and Markham, 1982; Scott, Markham and Roberts, 1985). However, positive programs are no panaceas, and they seem to be most effective where a discipline program is in place. The bottom line, then, is that a certain level of absenteeism is an organizational fact of life. But this level can be reduced by effectively planned, properly implemented and carefully monitored attendance-control programs. ■

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