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FAQ: ABUSIVE ATTENDANCE POLICIES

What is an “abusive attendance” policy?

Under abusive attendance policies, employees receive points (or “occurrences”), or are docked from a bank of time, for missing work. They are then subject to disciplinary consequences, up to and including termination, when they accrue a certain number of points or deplete their time. These are also sometimes called “**no-fault attendance policies.**”

Why are abusive attendance policies a problem?

These policies punish employees for virtually all absences, tardies, and early departures from work, **regardless of the reason.** Giving a worker a disciplinary “point” for any absence from work, including absences due to a disability, a serious medical condition, or the need to care for a loved one, disregards the realities of life. These policies are particularly challenging for pregnant women, caregivers, and people with disabilities or chronic health conditions, as they threaten the loss of income at a time when workers are most vulnerable.

How do I know if my employer has one of these policies?

If you or your co-workers receive “**points**” or “**occurrences**” for missing work, arriving late, or leaving early, and can be terminated for having too many of these points, you are likely subject to an abusive attendance policy. Some employers also give workers a bank of time to use for absences, and punish or fire them when they reach zero.

Can abusive attendance policies violate the law?

Yes, these policies may violate the law if they punish employees for lawful absences, including those protected by the **Family and Medical Leave Act** (FMLA), the **Americans with Disabilities Act** (ADA), or state and local laws providing **paid sick time**. Punishing workers for pregnancy-related absences may also be unlawful under the **Pregnancy Discrimination Act** (PDA) or some states’ **Pregnant Worker Fairness Acts** (PWFAs).

For information about laws in your state that may be violated by an abusive attendance policy visit: <https://www.abetterbalance.org/know-your-rights/>.

If you think you have been unlawfully punished or terminated under your employer’s abusive attendance policy, please contact us at 833-NEED-ABB or info@abetterbalance.org.