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## Prescribe a healthy sick-time policy

■ An effective yet easy-to-understand sick-time policy is an important facet of small-business management.

BY JOYCE M. ROSENBERG  
Associated Press

Before the year gets much older, small businesses that don't have a policy on sick time need to come up with one. That involves more than picking a number of days to give employees; it also means thinking about what to do if workers run through their allotment, and what to do if someone is abusing sick time.

There are good reasons for formulating a sick-time policy and making sure all your employees are aware of it. It is important that workers know what's expected of them, and you as an employer are protected when you have an official written policy. You're actually not required under federal or state law to pay employees when they miss work because of illness, but you'll be a better and more competitive employer for doing so.

Before you start, you should be familiar with federal or state laws that can affect your sick-time policy, especially the federal Family and Medical Leave Act of 1993, known as the FMLA, which requires employers to grant unpaid sick leave under certain conditions. The Department of Labor has a fact sheet on the FMLA on its website, at [www.dol.gov/esa/regs/compliance/whd/whdfs28.htm](http://www.dol.gov/esa/regs/compliance/whd/whdfs28.htm).

When deciding how much sick time to give, you need to consider the demands of your business. For example, will you need to pay overtime or hire a temporary worker to replace one who's absent? If you've already had absentee-



ILLUSTRATION BY JASON H. WHITLEY/KRT

ism problems, you'll want to write a policy that helps you address them.

### ADDITIONAL HELP

You can find help in putting together a sick time policy in a U.S. Small Business Administration article, "Managing Employee Benefits." You'll find it online at [www.sba.gov/library/pubs/pm-3.doc](http://www.sba.gov/library/pubs/pm-3.doc). It lists some of the considerations that should go into formulating a policy.

Books on managing employees are another resource. Among them is *Create Your Own Employee Handbook*, published by Nolo Press, which has a simple template for a sick-leave policy.

Enforcing a sick-leave policy can be one of the most challenging aspects of being an employer.

Susan Norton, a partner with the labor law firm Allen Norton & Blue in Coral Gables said it's a good idea to let employees know even before they're hired what your policy is. Job applicants who expect to take sick time and want to

be sure to be paid should know up front if they're likely to be affected.

### FIRM RULES

"If you tell them what the rules are and that you'll enforce it, people will either do it or find something else," she said.

Moreover, Norton said, pre-employment drug testing can also help you avoid a problem with sick time later on if the applicant has a substance abuse problem.

One of the biggest headaches for an employer has to do with the staffer who frequently calls in sick, and really doesn't seem to be ill. In such a case, you are allowed under the U.S. Americans with Disabilities Act to require an employee to get a doctor's note that states the staffer has been under medical care (for more information, visit [www.eeoc.gov/policy/docs/qanda-inquiries.html](http://www.eeoc.gov/policy/docs/qanda-inquiries.html)).

If a worker fails or refuses to do so, you might have a disciplinary case on your hands, and you may want to consult a

human resources specialist for professional advice.

Of course, many staffers are genuinely sick and can go through all their sick time, either because they've had a run of bad colds or several bouts of the flu, or have a chronic condition such as asthma. In many of these cases, an employee's job is likely to be protected by the FMLA, although it's up to you whether you pay them after they've run out of sick days. If it's a valued employee, it will behoove you to be flexible.

### NO-FAULT POLICY

One of the problems with designating certain days off as sick time is it can force an employer into the role of arbiter — for instance, on a Monday or Friday, is the staffer really ill, or just taking a long weekend? Norton suggests a solution: no-fault time off.

With a no-fault time off policy, employees can take their days for whatever reason. But when that time runs out, so will the pay, or, if you prefer to make your policy more strict,

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they could be fired.

Many employers believe that being flexible about paid sick time will translate into better work performances.

At Jackson Spalding, a public relations and marketing firm based in Atlanta, the company has no limit on the number of days a sick staffer can take off with pay, according to Gene Crosby, director of office operations. He said the company, which now has 38 employees, hasn't had a problem with abuse of that policy during its 10-year history.

"It starts with the caliber of people you bring into a firm," Crosby said. "We bring in great professionals who know that sick days are really sick days."

HMA Public Relations has a stricter policy, giving staffers five paid sick days a year, but "we try to be as flexible as we can," if an employee runs through that time, said vice president and general manager Abbie Fink.

"We'll always take a look at the case on a case by case basis," she said. "If they haven't taken advantage of the policy before and are legitimately sick — if it's not the stuff that makes you question" whether the staffer is really ill.

If a staffer does work at home while sick, they won't be charged for sick time, Fink said.