

How to Handle AWOL Employees



There's growing pressure on HR managers to keep track of employees on leave and get them back to work—or off your payroll—as quick as possible. One of the biggest challenges: What to do when the employee on leave goes missing. We're talking about the employee on disability, bereavement, compassionate or other leave who's never home when you call and doesn't respond to all the voice mail messages you leave. In extreme cases, it's the employee whose phone has been disconnected or who's moved away without leaving a forwarding address.

Here's a strategy you can use for these situations.

PHASE 1: SETTING THE STAGE

Implement Leave of Absence Policy

First, you need to make it clear what you expect employees to do when they take leaves of absence. Although most companies have detailed leaves of absence policies, they often fail to specify that employees must stay in contact with the company *during* leave. This creates a blind spot that often proves troubling after the leave is due to end.

The Model Policy on the Insider website provides language you can use to plug this loophole. Although there's no such thing as a one-size-fits-all policy, there are certain elements that a sound policy should include. Like our Model Policy, make sure your policy:

- Requires employees to maintain contact with their supervisor, the HR manager or another company official;
- Specifies that contact means actually speaking to the contact—not simply leaving a voice mail message after hours;
- Requires employees to provide appropriate information regarding the status of their absences; and
- States that failure to comply with the above obligations is grounds for discipline under the company's progressive discipline policy and

specifically refer to the sections of that policy in the collective agreement and/or employee manual.

Implement Progressive Discipline Policy

Letting employees know that you expect them to remain in contact while on leave and that they face disciplinary action if they don't is the first step. You also need a progressive discipline policy that you can apply to AWOL employees.

PHASE 2: ENFORCEMENT

Once you've laid the legal groundwork, you can use progressive discipline to enforce your leave of absence policy against AWOL employees. Let's be clear: You *do* have leverage. "Too many HR directors think that if the absence is excused, the employee isn't subject to discipline," notes an Ontario employment lawyer. A leave of absence isn't a license for employees to do whatever they want. "Although they may be allowed to miss work, the excused employee is still obligated to follow the terms of the leave policy," the lawyer explains.

Fire a Shot across the Bow

Clearly, a method to solve the problem *without* resorting to discipline would be in everybody's best interest. One effective method: Send the employee a note or leave a voice mail message. How is sending a note or leaving a voice message going to make any difference if it's what your supervisor has been doing all along, you might be asking.

The answer: This message comes from you, the HR director. That makes it hard to ignore. And the content of the message underlines its seriousness. It tells the employee that he or she must get in touch with the supervisor by a specific deadline or be subject to progressive discipline.

How to Write Your Warning

What you say in your note or voice-mail is no less important than how you say it. "Try to keep the tone non-confrontational," advises an Ontario employment lawyer. "The purpose of this communication is to reach a diplomatic solution." And since you don't know whether the employee has a good explanation for losing contact, you don't want to sound like you're leveling an accusation.

Although each situation is different, there's certain ground that a note or voice-mail message should cover:

- Cite the part of the leave of absence policy that requires the employee to maintain contact with the supervisor;
- Document the attempts made to contact the employee;
- Express concern for the employee's well-being and the hope that the employee's failure to stay in contact isn't the result of serious adversity; and
- Give the employee a deadline for responding and threatening discipline if he doesn't.

Keep a Record of Your Warning

Make sure you document your efforts to warn the employee to get in touch or face

progressive discipline. If you sent a written note, keep a copy in the employee's file. If you left a voice-mail message, write a memo detailing exactly what you said.

Conclusion

Sending a note or voice-mail message like this is usually the turning point. "The employee almost always responds," notes the Ontario lawyer. In addition to re-establishing contact, the employee often provides an acceptable explanation, "More often than not, the whole situation is a product of a simple misunderstanding or miscommunication," he adds.

If that isn't enough, your last resort is to impose progressive discipline.