

# How to Smoke Out Employees Who Disappear While on Medical Leave



I totally sympathize with HR directors who have to deal with this situation. After weeks and even months of not hearing from or being able to reach the employee, you figure he's gone and turn the page; but just as you hire a replacement, he strolls back into the building demanding his job back. When you tell him he's effectively resigned, he sues you for wrongful dismissal.

And he may have a valid claim. Legally, either side can end an employment relationship, provided that they do it in a "clear and unequivocal" way. Disappearing without a trace while on leave may or may be a "clear and unequivocal" resignation; and then again, it may not be. It all depends on the case.

The key point is that you can take the ambiguity out of play by sending the employee a [written letter](#) giving her one last chance to clarify the situation. Document your attempts to reach her and let her know that if she doesn't get in touch with you by a particular date, you'll assume she's resigned. Then one of two things will happen:

- The employee won't respond and you'll be in a position to initiate the termination process; or
- The employee will respond and you can reestablish [communications](#).

Either outcome is better than sitting back, [waiting and guessing what to do next](#).