

Ask The Expert: Can You Terminate an Employee Who's Been AWOL for Over a Week?



QUESTION

Do we have the right to terminate an employee who hasn't shown up, called in or responded to our calls for over a week?

ANSWER

It depends.

EXPLANATION

The more of the following things that are true, the stronger your case for terminating an employee for abandoning his/her job:

- You have a clearly written attendance policy;
- The employee was aware of the policy;
- The employee didn't notify you of the absence;
- You tried contacting him/her but couldn't;
- The employee has no excuse for the absences;
- The absence is culpable, i.e., blameworthy as opposed to due to a disability or other legitimate cause over which the employee has no control;
- The employee has a history of attendance issues;
- You've consistently fired other employees who committed similar violations; and
- You can document all of the above.