

MDS Alert

Team Building: Don't Create Sick Policies That Penalize Staff

Don't let an early spring sickness bring down your team's morale.

Every employee knows that the quickest way into the colleague doghouse is to come to work sick, and yet almost everyone does it. Each employee has her own reason to come to work when feeling under the weather, but could your facility management do more to help her feel better about staying home when sick and making sure you're not risking residents' or team members' health?

Employees can be temporarily felled by all kinds of illnesses, but coughs, colds, stomach bugs, and the flu have already started rearing their heads. Hourly employees may be worried about a smaller paycheck and therefore choose suffering through a work day sick over staying home and losing hours. Salaried employees may not have the necessary PTO or sick leave - or may be tempted to save it until they "really" need it, especially if they're "just" suffering through a head cold.

Plus, spring is an infamous for seasonal allergies. Though allergies aren't contagious, team members may be feeling too miserable to be very productive at work.

If this sounds familiar and your facility already has comprehensive, explicit sick leave policies established, what you may need is an adjustment in culture. You want sick employees and team members to feel supported and encouraged to take care of themselves first. Skilled nursing is famous for its high turnover. Helping team members feel empowered to take time off when necessary could reduce burnout.

Incorporate Sick Leave Legalities into Policies

Your practice or facility has its own rules about sick leave, but federal and state laws are in play, too. The **U.S. Department of Labor** notes that there's no federal law requiring paid sick leave, but employees in certain circumstances are eligible for unpaid sick leave.

"Employees are eligible to take Family and Medical Leave Act (FMLA) leave if they work for a covered employer and:

- "have worked for their employer for at least 12 months;
- "have worked for at least 1,250 hours over the previous 12 months; and
- "work at a location where at least 50 employees are employed by the employer within 75 miles."

Workplace Fairness, a California-based nonprofit geared toward providing information and advocacy for workers, provides information for the cities and states that have laws on the books ensuring paid sick leave. If you live in one of these places, you have additional rights to stay home sick on paid sick leave:

- California (with some cities, Emeryville, Oakland, and San Francisco, having their own laws);
- Connecticut;
- Massachusetts;
- Oregon (with special rules in Portland);
- Washington, D.C.;
- Vermont;
- New Jersey (Bloomfield, East Orange, Irvington, Montclair, Newark, Passaic, Patterson, Trenton, and Jersey City, only);
- Washington (Seattle and Tacoma, only);
- New York, New York; and

- Montgomery County, Maryland.

(Please see the Workplace Fairness website, <https://www.workplacefairness.org/paid-sick-leave>, or your local laws for more information.)

Don't forget that some epidemics, especially involving certain strains or outbreaks of influenza, have their own rules. According to the **U.S. Department of Labor Wage and Hour Division**, your facility should have a specific plan.

According to the aforementioned department, "It is important to prepare a plan of action specific to your workplace, given that a pandemic influenza outbreak could affect many employees. This plan or policy could permit you to send employees home, but the plan and the employment decisions must comply with the laws prohibiting discrimination in the workplace on the basis of race, sex, age (40 and over), color, religion, national origin, disability, or veteran status. It would also be prudent to notify employees (and if applicable, their bargaining unit representatives) about decisions made under this plan or policy at the earliest feasible time."

Your Team May Need New Policies

Productivity suffers when employees are sick, regardless of whether they're plodding through at the office or absent from work. "Sickness absence can be disruptive, costly, and cause low morale," says **Clarkslegal Employment Buddy**.

One option you may have for some employees, depending on their role and job responsibilities, is making telecommuting a workable option. Employees responsible for administrative work may already have these capabilities but look into whether you can extend the option to team members who could contribute without physically being in the facility. (Keep HIPAA compliance in mind when you're considering establishing policies and procedures to let employees access electronic medical records when outside of the office.)

Don't Ignore Illness

If you're in a management role or know the sick employee well, consider sending the individual a brief note in support of their decision to stay home to rest and well wishes that he/she feels better soon. You may fear sounding passive-aggressive when "thanking" him for not coming into the office, but a few genuine, compassionate words can go a long way in helping employees feel supported in their decision to stay home and get better.

The way this plays out - employee choosing to stay home due to illness, colleagues or supervisors acknowledging that illness - could even have outsize effects in facilitating a more compassionate, productive workplace, according to 2014 study "Compassion at Work" by **Jane E. Dutton, Kristina Workman, and Ashley Hardin**. "... Although it may not always be possible, appropriate, or easy, sufferers may play an active role in facilitating compassion from others by being explicit about the causes and extent of their suffering as well as by communicating their own ideas about how others might help relieve it," they say.