Sick leave timekeeping compliance checklist

Sick leave is an important benefit for both employer and employee. Without it, employees go to work sick (nearly 50% according to a recent Kaiser Family Foundation study). A separate study by the National Foundation for Infection Diseases found that 30% of workers reported that they contracted the flu from a colleague.

68% of employees in private industry now have access to paid sick leave. Multiple states and cities have laws governing sick leave eligibility, accrual, carry over, pay and record keeping. Rules vary between jurisdictions. Use this checklist as an aid to see if you have any obvious timekeeping issues related to sick time management. We also recommend that you consult legal, accounting, payroll and HR experts to ensure you are doing all you can to protect yourself, your company and your employees.

☐ Recordkeeping

1. ☐ Establish timekeeping policies and procedures for sick time
2. ☐ Accrue sick time hours based on policy
3. ☐ Track hours worked each week for all employees
4. ☐ Record dates/times when sick time is used and the amount paid
5. ☐ Record employee details, pay rate, status (exempt/nonexempt), start/end dates
6. ☐ Keep current and accurate payroll records
7. ☐ Write up employees who do not comply with rules on clock-in, clock-out, and meal breaks.
8. ☐ Mark all documents confidential and proprietary. Protect trade secret information and keep duplicates.
9. ☐ Keep records for at least the number of years required by law
10. ☐ Be prepared to produce records on demand to prove compliance

☐ Sick Time Policy

1. ☐ Create a written sick time policy
2. ☐ Ensure that policy conforms to all city, state and federal laws
3. ☐ Explain the calculation method
   - a. Front-loaded: provided at the beginning of year or employment. Specify how much is front-loaded.
   - b. Accrued: explain when accrual starts, accrual rate and maximum hours accrued/year.
4. ☐ Explain sick time use rules and consequences
   - a. Prior notice
   - b. Doctor's note
   - c. Minimum use increment (e.g., 4 hours at a time)
   - d. Disciplinary policy for misuse
   - e. Carryover policy
5. ☐ When acquiring another company, provide policy to new employees at time of acquisition

☐ Data Gathering

1. ☐ Use a digital timekeeping system
2. ☐ Use biometric readers to avoid buddy punching and prove compliance
3. ☐ Lockout employees from the timeclock so they cannot start working early
4. ☐ Track time off
5. ☐ Record meal breaks as they happen

☐ Data Review and Reporting

1. ☐ Review time data
   - a. Hours scheduled versus actual
   - b. Leave requests versus actual
   - c. Supporting documents for sick time taken
   - d. Signed timesheets
   - e. Review employee count according to calculation requirements of city, state or federal law
   - f. Track eligibility according to requirements of city, state or federal law
2. ☐ Record timecard corrections
   - a. Require employee signature for timecard changes
   - b. Document reason for timecard change

☐ Compliance

1. ☐ Follow time rounding rules applicable to your area. Make sure rounding is fair in practice.
2. ☐ Document and enforce sick time policy
3. ☐ Ensure that policy conforms to all local, state and federal laws, which vary by jurisdiction

☐ Scheduling

1. ☐ Use templates for faster re-scheduling when sick time is used
2. ☐ Allow shift swapping with supervisor approval for faster coverage
3. ☐ Apply rules to calculate proper compensation based on schedule

This checklist is meant to assist in general understanding of timekeeping best practices related to sick leave. It is not to be regarded as legal advice. Seek advice of counsel for particular questions.

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