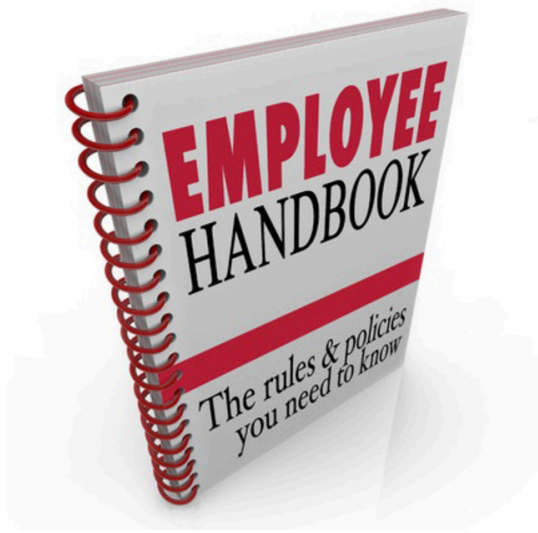


Managers: Your Company's Employee Handbook Has This, Right?

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"This" is a no-call/no-show policy, the terms of which are generally something like: "An employee who is absent from work for three consecutive days without giving proper notice to the Company will be considered to have voluntarily abandoned their position and resigned from employment with the Company."

A recent Michigan state appellate court decision illustrates one reason why employers should have a no-

call/no-show policy disseminated to all employees. In that case, an employee who was terminated after being absent for three consecutive days without calling-in to report his absences was also denied unemployment benefits because he was considered to have voluntarily left his employment as a matter of law.

Michigan law essentially has a no-call/no-show policy written into the state's unemployment statute—but decisions from around the country make clear that terminations under a no-call/no-show policy are likely to disqualify employees from unemployment benefits in many states other than Michigan. (To be clear, unemployment statutes and case law differ from state to state, so terminations under a no-call/no-show policy will not always be a basis to deny unemployment benefits in every state.)

With that said, we encourage employers who have not recently updated their employee handbooks to make sure the handbook has a no-call/no-show policy—and to reach out to experienced counsel to ensure that all other policies and provisions in the handbook are up-to-date and in proper order.