Q Our hospital time clock went through a period of inaccuracy — compared to the National Institute of Standards and Technology (NIST) — running up to five minutes fast. The timekeepers fixed the problem by installing a program that corrects the clock to NIST time. Several employees received a disciplinary action for tardiness that occurred during this period. Is this legal?

A Whether or not an employee should have received disciplinary action is not so much a question of what the law permits as it is a question of what is required under the relevant employee handbook and of what were the actual facts of tardiness. Assuming the clock was five minutes fast, whether the employees were still late under the terms of the tardiness policy — even after the correction for time had been made — must be determined. If so, there is no reason that the disciplinary action should not stand — although it might need to be mitigated if the time correction lessens the degree of infraction.

Tardiness policies are among the most important, contentious, and often overlooked policies in laboratory medicine. If there is no written policy, then enforcing discipline for lateness becomes very difficult. It is important that institutional rules for arrival, clocking in, and clocking out be clearly defined, along with the criteria that determine what clock time is considered late and with what consequences. Most institutions allow a five-minute window for clocking in to allow for the vagaries of personal timekeeping as well as the check-in line at the time clock.

Some policies also outline circumstances under which tardiness is excused, such as bad weather, severe accidents, clogging traffic, and other unavoidable situations. Some policies do not begin disciplinary actions until an employee has been late more than once or twice within a fixed period (monthly, quarterly, or yearly), effectively giving employees several “free” infractions.

Almost any combination of these rules will work as long as they are sensible, reasonable, and uniformly enforced. Selective forgiveness of tardiness for favorite employees can lead to a loss of morale. It can also put the employer on shaky ground in the event an employee who was disciplined under rigid enforcement of the rules chooses to challenge a disciplinary action for tardiness that occurred during the period of inaccuracy.

A sensible progression for repeated breaches over a fixed period of time. A sensible progression from verbal to written warning, and then to eventual termination if the tardiness is not remedied should be clearly outlined in the employee handbook, and every employee should be familiar with it. Most importantly, if tardiness is to be a cause for termination, the policy should clearly outline the triggering circumstances. If an employee is chronically tardy, his supervisor should warn him that continued infractions will result in termination. If the employee fails to mend his ways, most consultants would counsel that termination is appropriate and should be prompt.

The fact that you have had a problem with the time clock gives you a perfect opportunity to do a little in-service on timeliness. Review your tardiness policy, and make certain that your policy actually corresponds with what is being done. If selective enforcement is a problem, address that issue. If you revise the policy, review those revisions with your staff.

A good idea probably would be to review all tardiness actions taken during the time the clock was fast, assume that it was always five minutes fast, and adjust discipline accordingly by expunging corrective actions against employees who could not be legitimately proven to be late. Proactively rescinding questionable discipline will help prevent employees from filing grievances and taking up administrative time. A potential morale booster for lab employees might be that the institution is willing to take responsibility for the problem created by the time clock error and is cutting employees a little slack.

“Every year I am part of laboratory medicine, I am more and more impressed with the sheer competence and dedication of medical lab professionals. They set a standard for accuracy, efficiency, and cooperation in healthcare that every health professional would do well to emulate.”

—Barbara Harty-Golder, MD, JD, MLO editorial advisory board

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