

Wage & Hour Insights

Guidance & Solutions for Employers



Exempt Employees, Paid Leave, and Partial Day Absences [Webinar Q&A]

By Bill Pokorny on October 18, 2011



Another in our series of answers to questions from our [September 28 webinar on wage and hour law in higher education](#):

Q. If an exempt employee only works a half day, i.e. they go home sick at noon, and they have both sick and vacation leave available, can we require that they use four hours of leave time to "make up" the lost four hours? Or, since they are exempt and there can be no variance for hours, must they be paid their full regular pay and not use leave time?

A. Yes, if an exempt employee has a bank of available paid leave time and misses a half day, you can deduct a half day of available paid leave time from the employee's "bank", so long as the end result is that the employee receives his or her full salary for the workweek. If you allow use of leave time in smaller increments, you could also deduct smaller increments of time from the employee's leave bank for shorter absences. What you cannot do is take a partial-day deduction from the employee's salary once the employee has exhausted all available paid leave, unless the absence counts as FMLA leave.

For greater detail, see the DOL's opinion letters on this issue [here](#) and [here](#).

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