

Documenting employee issues:

A shield or self-inflicted wound?

By Richard I. Lehr

It is good to document employment decisions, but at times, problems become more significant because they're documented. Here are several ways to make documentation work for you:

1. DOCUMENT FACTS, NOT OPINIONS. Speak opinions to others, but document facts only. A third party should be able to review your documentation and read what happened.

2. BREVITY IS BEAUTIFUL: Put down the pen. A manager often does not know when to stop writing. Generally, the documentation should not be longer than a page. Often, only a few paragraphs are needed.

3. KEY COMPONENTS OF THE DOCUMENT:

a. **Date it** on the date you prepare it, not the date the incident arose.

b. **If the document reflects discipline**, provide the employee with a copy. It is the employee's road map to improved performance. The employee needs a copy of it to improve, not the employee's personnel file.

c. **State what occurred**, other related disciplinary matters, the action taken now, what the employee says he or she will do to improve and when, and the consequences. State what the employee will do so the problem does not arise again.

d. **Invite the employee to respond** if the employee disagrees or believes that something has been left out.

4. SHOULD YOU ASK THE EMPLOYEE TO SIGN THE DOCUMENT? Employers are concerned that if the employee does not sign, the employee will deny ever receiving a document. Have the one who prepared and reviewed it with the employee sign it.

5. DOCUMENT COACHING. Not all coaching sessions result in discipline, but the manager should make a record of the coaching either your own file or on your calendar, with a brief sentence or two.

6. DO EMPLOYEES HAVE THE RIGHT TO SEE THEIR FILES? Some states allow employees the right to review their personnel file and receive copies of documents. Review the file first and remove confidential memos, investigation notes, administrative charges and any correspondence from counsel. Also, give employees copies of documents they should have received, such as disciplinary actions or performance appraisals.

7. MAKING DECISIONS WITH NO DOCUMENTATION. Sometimes an employment decision (such as termination) needs to be made that is inconsistent with the documentation or performance appraisal. Prepare a memo stating the facts, which can help establish the documentation necessary.

8. DOCUMENT GOOD PERFORMANCE. Do not be reluctant to document the employee's efforts and express the hope that the employee will continue with a high level of service, performance, etc.

9. SEEK INPUT FROM HUMAN RESOURCES regarding documentation. Asking for someone else to review your documentation can help you become more comfortable with it.

10. REMEMBER DOCUMENTS' PURPOSE. Employers do not document just for legal protection; they document primarily because it is effective for teaching employees to improve.

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Documentation of employment matters is a significant part of business today.