

How to write up an employee: 7 tips for documenting employee discipline

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To be successful, employee feedback - both good and bad - should not be an annual or even quarterly event. It should be a routine part of a manager's day. This documentation can be as formal as an official employee write up or as informal as handwritten notes tossed in an employee's file, but they should always include the dates and names of all parties involved. As with any documentation, stick to the facts and stay objective. Avoid opinions.

Before you write up an employee for discipline, consider this

Whether it's deserved or not, the perception that management is "against" employees, once earned, is difficult to shake. That's why it's vital for supervisors and HR to make sure all employees are treated fairly and consistently at all times, especially when it comes to discipline.

To make sure your disciplinary actions are fair, ask yourself the following questions before taking action against an employee:

1. Does the punishment fit the crime? Or is the employee being singled out?
2. Is the discipline consistent? How have you treated employees who have shown similar conduct in the past?
3. Has the discipline been administered after a proper investigation of the facts? (Be a neutral fact-finder until you gather all the facts.)
4. Is the discipline taken too quickly? Overly hasty discipline may be portrayed as "railroading" the employee.
5. Is the discipline confidential? It's important that you don't spread stories about why certain employees are being disciplined. Discuss disciplinary actions with other managers and staff on a need-to-know basis only.

When should you write an employee up?

When it comes to negative employee behavior, should you jump to write a formal written warning? It depends.

Have you spoken to the employee about the behavioral, attitude or performance issue; specifically told them what you want to change; and offered them a reasonable amount of time to make the change? If not, do that first.

However, if you have done all of the above and the employee has made no effort to improve, writing a formal warning is smart for two reasons:

1. When things are written down—and require the employee's signature—the employee perceives them as more official and is likely to take them seriously.

2. You create a paper trail, complete with the employee's signature, that can establish a pattern of poor conduct or performance, should you have to terminate the employee. That protects you against wrongful termination claims.

What to include in your employee write up

We highly recommend that you start with a face-to-face meeting to discuss issues and set expectations, but if that doesn't work, draft a written warning, either by using your company's employee write up form or scratch. Either way, make sure the employee write up document includes the following:

- Prior steps taken to rectify the problem. Note the dates of previous discussions you've had about the issue.
- What needs to change. Describe in detail the actions or behaviors you have observed that are inappropriate or unacceptable.
- How to fix the issue. Specifically tell employees what they need to do to bring the performance up to an acceptable level or to fall in line with the organization's rules or policies.
- A deadline for making changes. Some problems should stop immediately, such as cursing in front of customers. Other issues, such as increasing sales, will take some time. Decide what is reasonable, and make it clear in the document.
- Your and the employee's signature. This is key in showing that you took the necessary steps to help turn around the employee's behavior.

How to avoid legal liability with an employee write up

You must be careful when writing up employees for disciplinary reasons. That's because how you document discipline issues can cause problems if an employee files a lawsuit. To protect against legal liability, follow these guidelines when creating an employee write up form:

1. Be consistent. Don't write up one person for a behavior that you ignore in other employees. When in doubt, check to see how similar problems have been documented in the past.
2. Be specific. *Example of poor documentation:* "Employee was late three times in the past month." Better: "Employee was 30 minutes late on Feb. 5; reason given: traffic. Employee was 45 minutes late on Feb. 9; reason given: overslept. Employee was an hour late on Feb. 23; reason given: car problems."
3. Write in a clear, factual manner. Note the policy or procedure that the employee has violated. Date the document, including the year.
4. Avoid emotional content, including personal impressions ("I think ..."), labels ("He's a whiner ..."), adjectives ("very unproductive ...") and conclusions about the reasons for the employee's behavior. ("It's probably because of her divorce.")
5. State the consequences if the behavior continues. *Example:* "If the employee is tardy again this month, he will be fired."
6. Ask the employee to sign and date the document if it's going into his or her personnel file. If the employee refuses to sign, note that on the document.
7. Give employees an opportunity to respond in writing and include the response in their files.

Ask yourself this: How would this employee write up read in court?

When documenting employee performance and conduct, always have this key question in mind: "How would this sound if it were read aloud in court?"

If the language used even suggests a discriminatory or retaliatory motive, the organization could find itself in legal trouble.

So before you even put a single word on paper, ask yourself these questions as part of your personal anti-bias audit:

- Do I restrict my written comments to an employee's on-the-job performance and not worry about his or her off-hours activities?
- Do I remain objective when it comes to analyzing an employee's work—not letting personal feelings about the employee come into play?
- Do I consider how my words may be construed as unprofessional, demeaning or sarcastic?
- Do I make certain that I get all the facts from all involved parties?

Even the most informal note tossed into an employees' file should follow these constraints.

What other facts should you document with your employee write up?

- Excessive tardiness, unexcused absences.
- Incompetent job performance. Cite attempts you make to help the employee improve.
- Failure to comply with policy or with established safety procedures.
- Physical violence, verbal threats.
- Complaints of sexual harassment or discrimination. Include details of your follow-up investigation.
- Proven instances of on-the-job drunkenness or drug use.
- Positive performance. (Ironically, failing to document a positive performance can strengthen an employee's claims of discrimination. A file of all-bad comments may look like a setup.)