

# How to discipline with confidence

It would be nice if all employees came to work on time, performed efficiently and pleasantly, and were thankful for their paycheck. But employers know that employees sometimes fall far short of your hopes. Here are the steps to work through as you decide how to proceed:

## Before you write up an employee

Most employee lawsuits stem from employees' perceptions that they got a raw deal. So before you discipline an employee in writing, ask yourself these questions:

- *Does the punishment fit the crime?* Sending someone home without pay for being 10 minutes late is excessive, unless the tardiness is a repeated violation and the employee has been told that repeated incidents could end in dismissal. Document all violations.
- *Did you discuss it first?* Talk over the problem before you commit it to writing; it may help you draw a more accurate conclusion.
- *Are the facts clear?* If everyone agrees on the events in question and you have proof that what happened violated company rules, your case is ironclad. But don't make a final decision to put it in writing until all ambiguities are gone.
- *Are you acting consistently?* Review the discipline handed out over the past year. How does what happened then compare with the current situation?

## How to document employee discipline

Be careful—how you document the problem can cause problems if an employee files a lawsuit. To protect yourself and the organization, follow these guidelines:

- *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.
- *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."
- *Write in a clear, factual manner.* Note the policy or procedure that the employee has violated. Date the document exactly.
- *Avoid emotional content,* including personal impressions ("I think ..."), labels ("He's a whiner ..."), adjectives ("very unproductive ...") and drawing conclusions about the reasons for the employee's behavior. ("It's probably because of her divorce.")
- *State the consequences if the behavior continues.* Example: "If the employee is tardy again this month, he will be fired."
- *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.
- *Give employees an opportunity to respond* in writing and include the response in their files.

## What should you document?

- 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.