

Employee refusing to sign review? Don't let that stop your discipline

As part of your performance reviews or progressive discipline process, you probably ask for the employee's signature to acknowledge the issues discussed and actions taken. What if that document is likely to trigger a termination but the employee refuses to sign it? What should you do?

If an employee won't sign, instruct managers to make a handwritten note on the document saying the employee refused. Then they should sign and date that note. Never sign or initial the document for the employee. For a warning to be valid, you don't really need the employee's signature.

Recent case: James Halloran sued for age discrimination after the company fired him. As part of his lawsuit, Hal-loran claimed that someone forged his signature on the negative performance review used as the basis of his firing.

The company denied any discrimination and said Halloran's termination was for good cause. But, at trial, the company admitted that it forged Halloran's signature. As a result, a jury sided with Halloran, awarding him more than \$2 million in damages. (Halloran v. Millington North America Inc., No. CV016578, Superior Ct, San Joaquin County, CA, 2004)