

# How to document discipline: 8 do's and don'ts

"That's the last straw. You're fired."

You may have said those words yourself, but unless you've correctly documented the fired employee's "earlier straws," you may be opening up yourself for a lawsuit.

**Advice:** Create a "performance file" for each worker, and toss in notes throughout the year. This lets you create a body of evidence to defend any personnel action in court. Plus, it's an invaluable tool to help you prepare employee reviews. (See box below.)

Since performance files can, and often do, wind up in court, it's important to know *how* to document performance. Here are eight do's and don'ts:

- 1. Do show consistency.** Don't write up one person for a behavior that you ignore in others. When in doubt, see how similar problems have been documented.
- 2. Do include specific examples.** *Example of poor documentation:* "Tyler was late three times in the past month." *Better:* "Tyler was 30 minutes late on Feb. 5; reason given: traffic. He was 45 minutes late on Feb. 9; reason given: overslept. He was an hour late on Feb. 23; reason given: car problems."
- 3. Do write in a clear, factual manner.** Note the policy or procedure that the employee violated. Date the document, including the year.
- 4. Don't include emotional content,** such as personal impressions ("I think ..."), labels ("He's a whiner ..."), adjectives ("very unproductive ...") or draw conclusions about the reasons for behavior. ("It's probably because of her divorce.") Any statement that's inappropriate in conversation is also inappropriate in a performance file.
- 5. Don't leave the issue open-ended.** State the consequences if the behavior continues. *Example:* "If the employee is tardy again this month, he will be fired."
- 6. Don't record only negative events.** Include references to exceptional work and provide details. Ironically, failing to document positive performance can strengthen an employee's claims of discrimination. *Reason:* A file full of all-bad comments may look like a setup.
- 7. Do 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 fact.
- 8. Do give employees an opportunity to respond** in writing, and include the response in their files.

## What to document

Excessive tardiness, unexcused absences.

Assignments and deadlines met or not met.

Your assessment of the quality of the employee's work. Cite examples and your attempts to improve it.

Failure to comply with policies or 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.

Examples of positive performance (*see number 6 at left*).