



## GENERAL RULES FOR DOCUMENTATION

- State the expectations that are not being met.
- Stick to the facts. Boil it down to the bottom line action creating the problem.
- Specify failings in terms of specific performance or behavior.
- Describe behavior rather than using a label (i.e., “bad attitude”) or applying a medical term (“you seem depressed.”) **NOTE:** Medical terms may establish individual as being “perceived as disabled” which may imply unwarranted protection under the 1990 Americans with Disabilities Act.
- Focus on action rather than intent.
- **Don’t:**
  - generalize or use absolutes (i.e., “always”.) **NOTE:** Absolutes are just not true.
  - use legal labels. **NOTE:** Don’t say “sexual harassment” . . . call it “offensive material of a sexual nature” or don’t say “racial harassment” . . . say: “offensive term of a racial nature.”
  - use “proxy adjectives” that suggest bias (i.e., “resistant to change” or “too emotional”) **NOTE:** Proxy adjectives such as “resistant to change” could sound like age bias or “too emotional” could sound like gender bias.
  - use hedges (“it appears” or “it would seem”) **NOTE:** Hedges are perceived as “you don’t know” by juries and other “outside reviewers.”
- Cite prior corrective counseling.
- Note expectations going forward (general and specific, with time frames.)
- Indicate consequences if problems continue.

### All documentation should include:

- **Dates and times.** Times should be documented down to the minute, so the employee cannot claim he or she was on a break. If the violation is a repeat problem, every known occurrence should be included, complete with dates and times.
- **Place.** It is important to document where the employee was, to show that he or she either wasn't at the work station, or was violating rules while there.
- **Specific details.** It is important to support the documentation with enough details to convince a skeptical outsider. Supervisors sometimes make the mistake of "drawing conclusions," rather than "stating facts." For example, you come upon a worker who is asleep on the job. You write it up, stating that he was "asleep." What do you say if he contests the notice, claiming he was only resting his eyes? It is then your word against his.

It would be far better if the report would read, "Employee was observed with his head resting on his desk; he did not respond to his name spoken in a normal tone of voice; and he remained in that position for five minutes." That leaves little room for doubt or dispute. If possible, get another manager to witness an incident and include that account in the documentation.

- **What rule was violated.** This may seem too obvious to bother with, but it should not be ignored. By attaching a copy of the rule to the notice and giving it to the employee, there can be no doubt that you have informed him of the rule.
- **What the employee must do in the future.** Specific, factual language should tell the employee what is expected of him in the future. If production goals are to be met, they should be spelled out, complete with deadlines. The language should be clearly authoritative and directive. You should not request; you should direct/instruct.
- **Employee comments.** Leave a space for employee comments. If it is left blank, you can later point out that the employee was given a chance to explain or object to your facts, did not do so, therefore your facts must be correct. If the employee completes the space, you can immediately correct any miscommunications.
- **Signatures.** Both the supervisor and the employee should sign the document, and the employee should receive a copy. If the employee refuses to sign, the supervisor should note on the form that the employee refused to sign.

- **Appearance and Style.** Smudged records on the backs of old envelopes just won't do. They won't be respected. The documentation should be on a standard sheet of paper. It should contain no grammatical or spelling mistakes, and preferably, it should be typed.
- The writing style should be clear and direct. This is not the place for tact or indirect statements.

*Adapted from: Business & Legal Reports, Inc.*