

Discipline, Documentation and Retaliation

Best Practices in Hiring and Firing Decisions

Ten HR Documentation Blunders

1. *Unsigned or undated documents.*
This is the number one failure in documentation. Sign and date everything (including the year) and have the employee do the same.
2. *Illegibility.*
Leave the scrawl to doctors. In court, neatness counts; and, in some cases – saves you!
3. *Late documentation.*
Judges and juries look askance at disciplinary or other reports written weeks or months after the incident they describe.
4. *Inaccuracy.*
That document looks perfect, but the facts are wrong. Even one error makes the entire document suspect.
5. *Unsupported conclusions.*
Don't write, "Worker X was drunk" without documenting the reasons you think so, e.g. "liquor on breath, slurred speech." Fact specific statements by objective witnesses will buttress your conclusion even more.
6. *Waffling.*
If Mike isn't making 200 widgets per hour, don't just write, "Mike's performance must improve." The fact finder will ask, "Improve from what to what?" Be specific.
7. *Don't make excuses.*
Statements such as "You failed-but I know we've all been pushing hard lately," may win you a nice guy award, but it won't win your case.
8. *Don't lie ... even to be nice!*
Saying someone was let go due to a layoff rather than for cause, if there was cause, will backfire every time in a wrongful termination suit.
9. *Be consistent.*
If you've written up Sally for an infraction, you'd better have written up everyone who did it. Otherwise you're open to a charge of discrimination.
10. *Don't over or under focus.*
Writing up every tiny infraction makes you seem petty. But writing only the job-ending incident makes you appear emotion-driven.

Sign-up for HR updates and resources at www.hisellaw.com.