



# Best Practices for Documenting Employment Events

Documentation is the written and retained record of employment events. Documentation is made up of government and legally mandated elements, documents required by company policy and practice, documents suggested by best Human Resources practices, and formal and informal recordkeeping about employment events.

## Use of Documentation

Documentation of critical incidents, whether positive or negative, is recommended so that managers have a record of employee performance spanning a period of time.

Documentation also spans other work forms, including procedures, work instructions, and computer software instructions, to name a few, but for purposes of the Human Resources function, these are the common uses of documentation.

## Tips to Effective Documenting

1. Stick to the facts:
  - Words such as “I think” or “seems to” don’t belong in documentation.
2. Avoid discriminatory statements
3. Be honest:
  - Never re-create reality or backdate documentation. It’s better to have to offer clarification than to be found to be a liar.
4. Edit your work:
  - Think about how the words will sound not only to the employee, but to their lawyer and to government entities like the EEOC.
  - Is the information clear and succinct? Is there enough information, or too much detail?
5. Provide the context:
  - Provide a copy of the company policy being violated.
6. Be consistent

## What to Document

At the pre-hire stage, you should document, at a minimum, the following:

- A list of all interviewers, their job titles, and their qualifications/ experience as interviewers;
- A detailed summary of the company’s interview training;
- All relevant information regarding each vacant position, including job title, position description, former occupants, and job location; and
- All relevant information regarding each applicant, including:
  - information obtained via interviews, resumes, applications, and background checks;
  - reasons why the company chose the successful candidate and rejected others;
  - lists of questions that the company asked each applicant;
  - interviewers’ notes; and
  - comments from all interviews.



Throughout the employment relationship, most employers retain at least the following items in an employee's personnel file:

- A signed job application and resume;
- Any employment contracts;
- Performance appraisals;
- Wage payment notice forms;
- Signed handbook/policy manual acknowledgment forms;
- Work history records;
- Attendance/leave of absence records;
- Disciplinary memos;
- W-4 forms;
- Insurance forms;
- Transfer request forms;
- Job refusal forms; and
- Any exit interview forms.

I-9 forms also should be retained. These are best kept separate in an I-9 file for all employees.

## Documenting Discipline

Rule Violations:

- Is there a rule?
- Does the employee have notice?
- Is the rule uniformly enforced?
- Do you have all the facts?
- Examples:
  - Offensive conduct
  - Discriminatory or harassing behavior
  - Stealing or misappropriating public funds
  - Misuse of prescription drugs while on duty
  - Unexcused tardiness
  - Misused or falsified sick leave
  - Texting on Clerk's time
  - Violation of any lawful or official regulation or order

Poor Performance

- What is the performance standard?
- Does the employee know the standard?
- Is there uniform enforcement of the standard?
- Have you addressed deficiencies or problems? In writing?
- Have you provided assistance?
- Examples:
  - Mistakes
  - Incomplete work
  - Inattention to detail
  - Inconsiderate
  - Insubordination



## Steps to Follow When Creating a Disciplinary Memo/Written Warning Procedure

1. Evaluate objectives, facts and risks surrounding disciplinary action
2. Narrow potential options to remedy issue
3. In the memo, explain the deficiencies and provide an adequate time table for remedy
4. Enlist Human Resources and Legal, if necessary
5. Give employee memo and explain in detail on how to correct the issue. Make sure to document this meeting!
6. Generate a paper trail of ongoing personnel issues

## Why Document at All?

Documenting provides proof that employee was aware of the problems, but did not improve. If discipline or any action taken not in writing – it never happened. Leaving a paper trail can also refresh your recollection when following up with an employee or a situation. Furthermore, if an issue leads to litigation, having thorough documentation helps bolster your case.

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