

Documentation can be a double-edged sword for employers

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Documenting employees' performance and conduct is an integral part of management's day-to-day responsibilities. Employers rely on this information for making decisions regarding promotions, demotions, performance evaluations and other aspects of employment. As a result of its widespread use and impact on employees, documentation can become a double-edged sword for employers. Depending on whether it supports management's actions, documentation can be an asset or a liability.

Employers can derive benefits from documentation that is well-written, accurate and developed in accordance with acceptable business practices. For example, it establishes a factual basis for decision making. It also enhances management's credibility in communicating internally with employees and other members of management and externally in the event that actions are challenged.

Deficiencies in documentation can expose employers to costly risks. In legal and regulatory settings, these weaknesses can influence decisions made by judges, juries and hearing officers. Documentation that was intended to support management's actions can become evidence that is used against the organization.

The following include a number of tips to assist employers in increasing the effectiveness of documentation and avoiding the liabilities:

1. Document observations of each employee's behaviors that demonstrate strengths and needs for improvement. Both perspectives are necessary to portray a realistic picture of an employee's overall performance.
2. Document in a timely manner. Delays in documenting decrease management's ability to accurately recall the details of what took place. Documentation also will be less believable if it is delayed until a time when there is a need to make a decision or prepare for a hearing.
3. Review documentation prior to completion to ensure that it is accurate. Keep in mind that the accuracy of an entire document can be called into question if it contains any erroneous information.
4. Be specific, objective and factual in describing observations of an employee's performance and conduct. Eliminate descriptions that are general, vague, subjective, or based on assumptions.

Recognize that wording, such as “bad attitude” or “uncooperative,” will not adequately pinpoint behaviors that were observed.

5. Incorporate sufficient details regarding what took place, when and where it occurred, the titles and names of those involved, and the date of the documentation. These details lend credibility to the documentation and can be referenced if memories fail or turnover in management occurs.

6. Eliminate comments that appear to link performance to an employee’s legal protections, such as race, sex, age, disability, religion and national origin. For example, comments indicating that an employee is resisting changes in technology can lead to questions of age bias. That potential can be minimized by focusing on the employee’s actions, such as refusal to attend required technology training.

7. Look for additional sources of information to support observations recorded in written documentation. Examples include attendance reports and other records, photographs and samples of work.

8. Consider the tone of your documentation. Avoid derogatory, accusatory, or other negative comments that personalize issues or are influenced by emotions. Make sure all comments reflect respect for the individual and focus objectively on behaviors that need to be changed.

9. Document the same types of situations consistently for all employees. If one employee’s incidents of tardiness are recorded, then others’ incidents should be documented in the same manner. Inconsistencies in documentation and resulting decisions can lead to claims of discrimination.

10. Provide timely feedback to employees as a follow up to documentation. Share observations that are documented with employees to establish expectations for change in areas requiring improvement and to reinforce effective behaviors. Nothing that is documented should be a surprise to employees.

11. Ask employees to sign for receipt of policies, memos and other written communications if there is a need to retain documentation of information provided. If the employee refuses, that decision should be noted on the paperwork or witnessed and documented in accordance with organizational practices.

12. Ensure that there is consistency between documentation and an employee’s performance appraisals. An appraisal should accurately reflect an employee’s strengths and weaknesses. If areas for improvement are overlooked, the document can create issues for management when disciplinary decisions are made.

13. Recognize that work-related e-mails are sources of documentation that can be reviewed internally and externally without the writer’s permission. Be mindful that if e-mails are hastily drafted, they can have unanticipated repercussions for organizations and individuals. For example, e-mails can become evidence in hearings and lawsuits, be forwarded to others who are not the intended recipients, or appear for all to see in newspapers and blogs.

14. Train all employees in supervisory positions on effective documentation practices. This training will enable the organization to obtain the benefits and avoid the liabilities associated with documenting.

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