

BASIC TRAINING FOR SUPERVISORS



DOCUMENTATION AND EVALUATIONS



DOCUMENTATION: WHY BOTHER?

Picture this: It's the middle of a long, busy — not to mention stressful — day and you're wondering how you're going to meet the next deadline. Then you overhear one of your employees telling a dirty joke within earshot of your whole crew.

Just what you needed, huh? An employee violating your company's harassment policy, and it's not his first time. You sternly tell him to cut it out and stop telling dirty jokes at work. He seems to get the message.

Are you done? You have the nagging feeling that you should fill out some sort of disciplinary form, especially since this is the second time you caught him telling

dirty jokes. But you convince yourself that you don't have time to drop everything just to do paperwork. It's not that big a deal, right?

Actually, documentation *is* a really big deal. It protects you and your employer, creating proof that you're running your department the way you should.

This booklet,
Basic Training for Supervisors:



Documentation and Evaluations, is designed to help you be a better supervisor by teaching you how to shake off any tendency to avoid creating written records and, instead, embrace the importance of documentation. Plus, you'll learn a few tips on how to get the job done.

**'If it's not in writing,
it didn't happen'**

That's how some lawyers describe the importance of documentation. If you're on the witness stand two years from now, how can you convince the court that you really did warn your employee not to tell dirty jokes at work? If you didn't write it down, then it's your word against his.

**In court, the pen is mightier
than your fuzzy memory.**

**KNOW YOUR
RESPONSIBILITY**

As a supervisor, you've got your hands full keeping your employees on track. You may be tempted to wonder, "Why should I be expected to fill out forms, write memos, and struggle with performance evaluations when I'm so busy tending the well-oiled machine that my department is?"

The answer to that question lies in the fact that your documentation can be the oil that keeps the organizational machine humming instead of breaking down at the worst possible time.

As a manager or supervisor, you know better than most that problems come up in the workplace. You deal with everything from tardy or absent employees to allegations of discrimination, harassment, violence, or other kinds of mistreatment. No matter how well you handle those problems, your actions can be meaningless if there's nothing down in black and white to document that you've taken steps to solve problems and right wrongs.

One lawyer bluntly tells supervisors, “If you don’t have time to document properly, then you shouldn’t be a supervisor.”

WHO’S GONNA READ THIS STUFF?

There are many situations when it’s important that an employee’s personnel file has thorough, accurate documentation from you. A few examples:

- ◆ If you want to fire someone for a long-term performance problem, your company probably will want to see documentation of the problem and your warnings to the employee. Otherwise, you might not be allowed to fire him.
- ◆ If an employee gets a new supervisor, she may need your written record of the employee’s performance and conduct.
- ◆ When you’re writing a performance evaluation, you should read last year’s evaluation to help you judge what the employee’s done since then.
- ◆ If one of your employees ever sues your employer, then the lawyers, judge, and jury will expect you to have written records to back up your story.

KEEPING LEGAL

Poor documentation may be bad management, but does it make you a lawbreaker? No, but it can make you look like one.

You have to choose an employee to lay off, and you pick Bertha, a loudmouth with a bad attitude who’s your slowest worker and makes a lot of mistakes.

Unfortunately, you never wrote down these problems in her performance evaluations. She sues your company, saying she's a good worker (look at her evaluations!). She claims the real reason you laid her off is illegal retaliation because she forcefully confronted the CEO about the company health insurance at a meeting last month. Now you have to convince the court that you gave her inaccurate evaluations — ouch!

The point is that your records are often what makes the difference between winning and losing an employment lawsuit. Of course, you hope disputes don't go all the way to the courtroom. Even if your employer wins a case, just going to trial is expensive and distracting. But again, your documentation is vital because solid documentation of an employer's action can be instrumental in discouraging employees from filing lawsuits.

WHAT SHOULD YOU WRITE DOWN?

Think about some of the employment-related topics you're expected to keep records on:

- ◆ Hiring decisions;
- ◆ Disciplinary matters;
- ◆ Employee performance;
- ◆ Promotions and commendations; and
- ◆ Demotion and termination decisions.

Do any of those issues ever prompt complaints? Of course they do! You know you'd better have good reasons for choosing one job applicant over another. You know you'd better

have your facts straight before meeting out discipline. You know your employees deserve to know if they're



meeting expectations on performance.

Likewise, you know you need to keep track of when and why employees are promoted, rewarded, demoted, and fired.

Those are the kinds of issues that can make a rejected applicant, current employee, or ex-employee mad enough to make trouble. But you can stop someone bent on suing if you're careful to dot your i's and cross your t's. If you've done the right thing — and usually you have — you can prove it through your documentation.

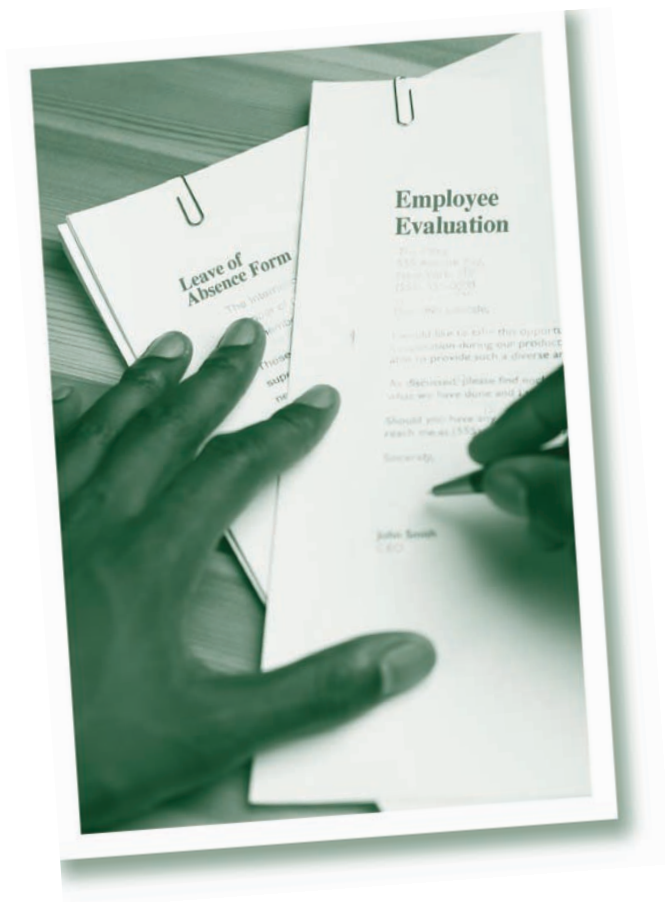
OTHER REASONS TO DOCUMENT

Keeping good records goes beyond staying out of legal trouble. It's part of your job to give your employees feedback that will keep them learning and improving.

What kind of documentation can help along those lines? Performance evaluations may be the best form of documentation to aid employee development. A carefully written evaluation communicates to an employee what he's doing right, what's not so right, and what's expected in the area of improvement.

Disciplinary forms also are a type of feedback. For example, a written warning tells an employee that she made a serious mistake, and it should spell out what she needs to do differently in the future and what will happen if she doesn't clean up her act.

By providing documentation in the form of performance evaluations and other kinds of written feedback, you're helping your employees, thereby making your job easier and boosting the organization's bottom line.



WHAT IS A DOCUMENT?

Basically, documentation is anything that's written down, such as these common documents:

- ◆ Performance evaluation;
- ◆ Any type of memo;
- ◆ Written warning;
- ◆ Written documentation of a verbal warning;
- ◆ HR and payroll forms;
- ◆ Timecards and records;
- ◆ Leave forms;
- ◆ A notation of an award or promotion; or
- ◆ Any other employment-related document.

Often documentation is housed in an employee's personnel file, but don't be fooled into thinking that if it's not in the file it doesn't count. If one of your employees sues your company, the lawyers will demand to see everything you ever wrote down about the employee. *Everything*. That would include:

- ◆ Notes you keep in your desk drawer, even if it's scribbled on a hamburger wrapper;
- ◆ Work-related notes that you keep at home;
- ◆ Computer files; and
- ◆ E-mail.



Think before you e-mail

Sam Supervisor is fed up with Mack Maddening, who's threatening for the umpteenth time to call a lawyer about the latest little thing that upset him. So Sam blows off steam by firing off an e-mail to a friend — a message that gets more unprofessional with every line. Liberally sprinkled with curse words, Sam's message is hardly a display of supervisory competence. When Mack is eventually fired, he sues the company and his lawyer subpoenas Sam's e-mail files. The e-mail makes Sam look like a disrespectful tyrant who's unfairly victimizing Mack.

All of these can find their way to the desk of a disgruntled employee's lawyer. And the lawyer might even hire a computer expert to recover e-mail and computer files that have been deleted. So make sure you don't get lax when you create documentation that doesn't have that official feel to it.

FORMS, FORMS, FORMS

Let's face it — filling out forms can be a bore. But forms can actually help you by mapping out the information you need to write.

For example, if you're filling out a written warning form, just completing the blanks will provide names, the date, the type of infraction, the action you're taking, and the signatures of you and the offending employee.

There will also be a space to describe the incident. That's where you need to get specific and tell the facts of what happened and why you took action. Think in terms of what policies were violated, the effect of the infraction on the organization, and whether the employee has been disciplined for similar offenses previously.

GIVE THE EMPLOYEE HIS SAY

Your employer's evaluation forms and disciplinary forms may include a space where the employee can write comments. That

gives the employee a chance to have his say. (And it makes it hard for the employee to change his story later.) Even if the form doesn't have a space for employee comments, let him write his comments anyway if he asks to.

Don't get mad about an employee writing his version of what happened. Let him do it right now, right here in your office. Don't let him take it home or come back the next day.

SIGN THE DOTTED LINE

A vital part of any documentation is the signature section. It's important to make sure you, the supervisor, sign the form and also have the employee sign. Your signature shows that you take responsibility for what's written, and the employee's signature shows that she saw the document. It doesn't mean that she necessarily agrees with what you wrote. If an employee is reluctant to sign, let her know she's welcome to include her own comments for the file.

Just the facts, ma'am

Documentation should focus on the facts, not your opinions or conclusions.

Weak: "Tom's been late a lot."

Better: "Tom Tardy was 45 minutes late today, the second time this week. I counseled him about this problem four times in the last three months."

Weak: "Margaret doesn't take her work seriously."

Better: "Margaret Rita takes personal calls on her cell phone during work hours every day even though I warned her to stop."

Weak: "Dee is an insubordinate hothead."

Better: "When I corrected Dee Fiant, she yelled, 'If you think you're all that, then you can do it yourself.' Then she left my office even though I told her to stay."

If the employee still won't sign, get a witness — another supervisor or someone from the HR department — to sign that the employee saw the document and refused to sign it. Don't get mad, since the employee probably is just scared or confused.

MIND YOUR MEMOS

Your employer may not have a form for every issue that needs documentation. Then you need to write a memo. Some supervisors are intimidated without having a form to follow, but your memo will be easier if you stay focused and keep it simple.

So you're not so great at writing

What if you have trouble with spelling or grammar? Don't let it stop you from documenting important events. Just write the best you can and show it to someone else in management or HR. Then correct your mistakes on your final version.

Remember your purpose. For example, if you're writing a memo to document a performance issue, remember that you're trying to turn the employee around. Be specific about what's wrong and about your expectations. Don't allow yourself to be cryptic in your written

memo just because you've already discussed the situation with the employee. Repeat in your memo what you've talked about before. That way your memo fully informs anyone reading the memo, even if it's years later.

DOCUMENTATION TIPS

- ◆ **Keep it simple.** A document isn't much good if people can't understand what you've written. Your writing should be clear and simple. Don't struggle to be formal or fancy.

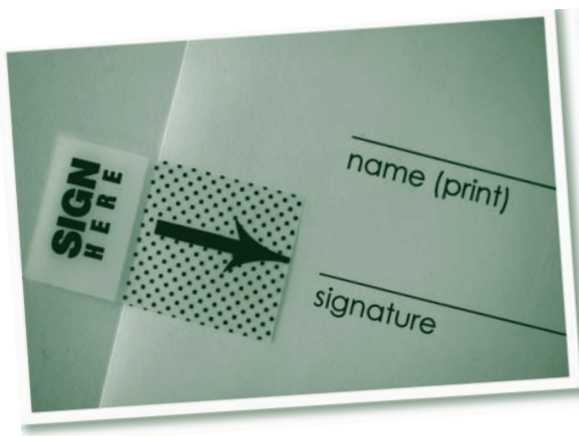
- ◆ **Keep it brief.** Just include what's important.
- ◆ **Be thorough.** Don't leave people guessing what you mean. Include **times and dates**. Include **examples** of the behavior or performance you're writing about. Include relevant **policies** and the effect of any violation on other employees or the organization's bottom line. Also include **required changes** an employee is supposed to make and any **deadlines** imposed.
- ◆ **Be timely.** If the date on your documentation is days or weeks after the alleged infraction, it looks like you either didn't take the matter seriously enough to spend 10 or 15 minutes to write it up, or maybe you didn't think the infraction was a problem until you got mad about something else and decided to get the employee and get him good.

KNOW HOW NOT TO DOCUMENT

If documentation is so important, is *any* documentation better than nothing? No, there are times when bad documentation is worse than none at all. When working on documenting your employees' actions, keep your head and don't make the mistakes that many have made. Here are some "don'ts" to remember:

- ◆ **Don't produce gobbledygook.** This includes everything from making sure your handwriting on forms is legible to making sure you keep to the point in memos. You're not communicating if your employee can't read your sloppy scrawl. You're also not communicating if you go on and on to the extent that your employee doesn't know what you're trying to say. And think what

an employee's lawyer could make of careless, incoherent documentation.



◆ **Don't forget signatures.**

Of course you'll sign the document, but don't forget to have the employee sign it

too. Otherwise, it looks like you just made up the whole thing and the employee never had an inkling that anything was wrong.

THINK ABOUT IT

Would it make you mad if someone let you do your work as you always had and then fired you with no warning, only to trump up reasons when it was too late for you to do anything about them? You can be sure that kind of behavior would make the ladies and gentlemen of the jury mad, too.

- ◆ **Don't "over-document."** You'll raise suspicions about your actions if you decide to write up every tiny thing you can think of because you're determined to force an employee out. Lawyers, not to mention judges and juries, can spot over-documentation at 100 paces.
- ◆ **Don't forget the value of verbal communication.** As important as documentation is, you probably don't need a memo for everything. If you have performance

issues with an employee, you definitely need to talk about it. Depending on the seriousness of the problem and the extent of your conversation, you may not need a memo. But if the problem continues, make sure you put it in writing. You'll clearly show the employee what's wrong, and you'll have it on the record that you've talked about it.

◆ **Don't keep secret desk-drawer archives.** Of course you may want to jot things down that will be helpful to you later, but don't be tempted to keep extensive notes without discussing the issues with the employees involved. If an employee's performance evaluations and other personnel file documents show no problems but you decide to take adverse action, don't expect to produce your secret notes and make everything OK. Serious employment issues should be discussed and documented in the employee's personnel file. Secret notes look suspicious.

◆ **Don't be stymied by past documentation.** Maybe you're new to your position or you inherit an employee and you want to make changes. If you're not satisfied with the job that's being done, but your predecessor never documented any problems, how can you set things right? Such a situation can be a bit sticky, but it's nothing you can't handle. You don't want to lower the boom in a way that would be unfair to someone unaware of the problem. You can, however, let the employee know there's a new sheriff in town and expectations have changed. Your documentation can show that you've talked with your employee and determined a timeline for change. Don't forget to document

the employee's improvement, too. That can help you when performance evaluation time rolls around since you'll be able to justify a raise or promotion you'd truly like to give.

DON'T LIE OR CHEAT IN DOCUMENTATION

In difficult situations, some supervisors might be tempted to make false documentation. Don't do it. First of all, it's dishonest and unethical. And if your company or your employee discover it, you could be in big trouble.



Second, fake documentation won't help you in case of a lawsuit. In fact, it'll make you look like a big, fat liar and will hurt your company's chances of winning the lawsuit. Your employee's lawyer will ask you detailed questions about the documentation that will

uncover the truth — unless you plan to lie under oath and risk going to prison for perjury (which we don't recommend).

◆ Don't manufacture documentation after the fact.

Maybe you have an employee that's been trouble from Day 1. Finally, you fire him. Then you realize you don't have much in the files to justify your action. But you know you had ample opportunities to document many shortcomings. So you start writing things up

and coming up with dates that seem reasonable. Whoa. That's always a bad idea. If you don't write up incidents as they happen, you're not being fair to your employee and you risk tough treatment if your actions land you in court.

- ◆ **Don't destroy evidence.** You have a legal duty to preserve documents that might be relevant to an upcoming legal proceeding. So if an employee sues your company — or files a complaint with a government agency or even prepares to file a lawsuit — don't destroy any documentation that relates to the employee. The employee's lawyer will ask you under oath whether you destroyed any documentation. Unless you commit perjury (which we still don't recommend), your deception will be uncovered and could devastate your company's legal case.

EVALUATIONS: A SPECIAL KIND OF DOCUMENTATION

Are you one of those supervisors who dreads filling out evaluations? Welcome to the club. Maybe you have a lot of employees and not a lot of time. Maybe you think you've said it all before. Maybe you know something needs to be said, but you can't quite put your finger on what. Or maybe you hate confronting and criticizing your employees.

There's no getting around the fact that evaluations require time and thought if they're going to be worth doing. Think about the goal that you're trying to accomplish through evaluations. You want to help employees grow and develop in their jobs. Evaluations provide a mechanism for doing just that. But you have to keep certain things in mind.

LET'S BE HONEST

You owe it to your employees (and your employer) to be honest. No employee is perfect, and no one is perfectly awful. So every evaluation should include both praise and criticism. If you're not telling an employee what he needs to hear, you're keeping him in the dark about what you need for him to do. Also, you're keeping your organization from getting the most from its employee.

Dishonest evaluations cause a lot of lawsuits. Let's say you give good evaluations to an employee whose work is, to put it nicely, *not good*. Finally, you have no choice but to fire her. She claims it's because she's a woman and you don't think women can do the job as well as men. She carries a stack of her performance evaluations to a lawyer, who rubs his hands

together eagerly while saying, “You’ve got a strong case here.”

On the other hand, an honest appraisal gives you and your employee a chance to find out what’s at the heart of the problem. Together you can decide on steps that can be taken and timetables to be met to solve the problem.

LET’S BE ON TIME

Since evaluations can be difficult and time-consuming, they often get set aside. **Don’t give in to the tendency to procrastinate.** Besides making employees sweat, a late evaluation sends the signal that you don’t take employee performance seriously.

Also, merit raises are often determined by evaluations, and you don’t want to delay a deserving employee’s raise because you’re so slow. Since evaluations give you the opportunity to address problems, highlight accomplishments, and focus on goals and employee development, why wait?

Hmm, the shoe’s on the other foot.

OK, so you’re a little late getting evaluations completed on all your employees. You never claimed to be perfect. What’s the harm?

You may think differently if your manager gives you low marks on your evaluation because you were late evaluating the employees you supervise. Think about it. Doing evaluations (read, helping your employees improve) is an important part of your job, and it’s only fair that how well you do that should be reflected in your own performance evaluation.

LET’S BE SPECIFIC

OK, so you know it’s important to be honest and get evaluations done on time, but they don’t do much good if you’re not specific, too. Just doling out rankings — good, fair, poor — doesn’t tell your employees much. Your evaluation forms have

space for comments too, and it's your comments that really provide the meat of the appraisal.

Provide examples of good and bad performance. Let the employee know what you value and what you want to see change. If you're filling the comment section of evaluation forms with meaningless cliches — "team player," "shows a bad attitude," and the like — you're not communicating much.

Give examples to show how your employee is a team player. Cite instances showing the employee's attitude issues. Get it all down on the form. Don't just write a few vague words and expect to handle the rest during your talk with the employee. Remember, if it's not in writing, it's as if it didn't happen.

SET GOALS FOR THE COMING YEAR

OK, so you've written down all the good points and problem areas. You're not done yet. Each performance evaluation needs to include specific goals for the employee to reach in the coming year. Include the problem areas that you included in the evaluation, such as improving attendance, increasing accuracy, or working faster.

Also include things to help the employee grow and advance in his career, like taking on additional responsibilities or receiving training.

ENJOY THE PAYOFF OF SOLID DOCUMENTATION

As a supervisor, you've developed the skills required for solving workplace problems. You know your employees, their strengths and shortcomings. You know it's important to nip problems in the bud before they blow up in your face. And you know that proper documentation plays a vital role in keeping everything on track.



Your use of documentation accomplishes a lot.

- ◆ It shows your employees (and if necessary a judge and jury) that you're treating people fairly and consistently.
- ◆ It warns employees of problems and gives them a chance to fix them.
- ◆ It reduces the likelihood that an employee will file suit since a disgruntled employee whose file documents poor performance or unacceptable behavior won't have a strong case.
- ◆ It bolsters your defense if you do end up in court.

CENTRAL QUESTION

As you go about your daily work, ask yourself if your documentation shows that you're doing your job. If you don't have documentation showing that you follow your discipline policies, counsel your employees on problems, and have valid reasons for the actions you take, why should your employees or a judge and jury believe you?

If you're not getting workplace issues on the record, you're not doing your part to fully develop your employees, and you're putting your employer in danger.

TEST YOUR KNOWLEDGE!

Basic Training for Supervisors: Documentation

Name: _____ Date: ____/____/____

After you finish reading this booklet, you can answer this quiz, tear along the perforation, and give it to your Human Resources Department.

HR: The answers are in the Welcome letter that came with these booklets. If you don't have it, call Customer Service at (800) 274-6774.

1. If you don't document an employee's poor performance, what problems could that lead to down the road?

- ☐ A. A lawsuit
- ☐ B. HR won't let you fire him without documentation
- ☐ C. His next supervisor will be in the dark
- ☐ D. All of the above

2. Which of the following events do you not need to document?

- ☐ A. Chronic tardiness
- ☐ B. Office birthday party
- ☐ C. Misconduct
- ☐ D. Employee mistakes

3. When you talk to an employee about a fairly serious performance problem, what's the best way to document it?

- ☐ A. A Post-It note on which you jot down some comments
- ☐ B. A summary of the discussion, signed and dated by both of you
- ☐ C. No need to put it in writing

4. What should you do if an employee won't sign a written warning?

- ☐ A. Nothing
- ☐ B. Suspend her
- ☐ C. Have another manager sign it

5. What should you do if an employee wants to write his side of the story on a written warning?

- ☐ A. Tell him no
- ☐ B. Tell him to write it over the weekend and give it to you
- ☐ C. Let him write it right here and right now

- 6. Your company doesn't have a form for what you want to document. What should you do?**
- ☐ A. Nothing — it must not be worth documenting
 - ☐ B. Write a memo describing the incident
- 7. You become supervisor of a department when the previous one moves out of town. One of your employees is chronically late but tells you that your predecessor was really laid back, and there is no documentation in the employee's file about tardiness being a problem. What do you do?**
- ☐ A. Tell him there's a new sheriff in town and now he has to be on time. Document the meeting and have him sign it.
 - ☐ B. Tell him there's a new sheriff in town and now he has to be on time. Cowboys don't document.
 - ☐ C. Fire him
 - ☐ D. Document every time he so much as sneezes to show him you mean business
- 8. Which of the following supervisors is doing the best job with employee evaluations?**
- ☐ A. Mark, who has his employees write their own evaluations, which he then signs and returns to them
 - ☐ B. Sarah, who gives everyone a check in the "satisfactory" column for everything
 - ☐ C. Eric, who's sometimes a little late, but his evaluations are always specific, including both positive and negative feedback and goals for the next year
- 9. Should you include detailed comments on evaluation forms?**
- ☐ A. Yes, they make the evaluation much more informative
 - ☐ B. It's OK if you have a lot of free time to do all that writing
 - ☐ C. No, it might end up in court
- 10. One of your employees sues the company for discrimination. Which of the following will you have to give to her attorney?**
- ☐ A. The employee's personnel file
 - ☐ B. Any e-mail you wrote about her
 - ☐ C. Files on your computer that you wrote about her
 - ☐ D. The notepad in your pocket where you jotted down comments about her
 - ☐ E. All of the above

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BASIC TRAINING FOR SUPERVISORS

**THIS SERIES HAS 12 BOOKLETS TO GIVE
SUPERVISORS THE TOOLS THEY NEED TO SUCCEED:**

HIRING

FIRING

DISCIPLINE

DOCUMENTATION AND EVALUATIONS

EMPLOYEE RIGHTS (FMLA, USERRA, NLRA, PRIVACY)

EMPLOYEE HEALTH (FMLA, ADA)

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