Documenting Disciplinary Actions



After you've investigated the situations and spoken with the employee, you need to document the entire process starting with the complaint or incident and ending with the final resolution or action taken.

Whether you are coaching an employee for a performance problem or disciplining an employee for improper conduct, you must document your reasons for discipline, any fact-finding that you do, and the actions that you take.

There are a few compelling reasons for keeping good documentation:

- Documentation is critical when you need to substantiate your actions to others. In the event that a disciplinary action is questioned, documentation will be the key to supporting that action.
- Documentation will protect the business in the event that you or someone else is no longer available to testify.
- Memory alone will not be substantial enough to support a decision when grievances, unemployment hearings and wrongful termination suits arise.
- Documentation will help to support your position that you did or did not do something.
- Documentation provides verification that employees heard and understood the information presented.
- Sometimes, what you remember as a formal warning may be viewed by the employee as a friendly reminder. Documentation can show whether there were any mitigating circumstances and whether you followed your business's procedures.

Here are two common methods that you can use to document disciplinary actions:

SUMMARIES

Summaries are good for instances where behavior is being tracked over an extended period of time. If you're using summaries to document discipline, be sure to include specific examples and information in your summaries to illustrate the problem.

Include the following information:

- Provide specific background information – of employee's name, job title, date of hire, etc.

- The date on which the disciplinary document is created.
- Describe the offense and why it is an offense. Include the names of any witnesses, when and where the offense occurred, and any other critical details. Attach duplicates of relevant documents such as time sheets or production records.
- Describe any disciplinary action that was taken or will be taken as a result of the offense.
- Describe and recap any prior oral conversations or disciplinary actions that have bearing on the incident being documented.
- Describe the behavior expected from the employee. Provide for and include the employee's version of the events.
- If the employee has any appeal rights, specify the procedure to exercise those rights.
- Clearly specify the future action to occur if the offensive behavior does not cease.
- Sign the form and give the employee an opportunity to sign the document. Note if the employee refuses but was given the opportunity.
- Have a space to print (or type) your name and the employee's name.

If the situation is more of a coaching situation than discipline for improper conduct, balance the document by reflecting the positive aspects of an employee's performance as well as performance problems. But don't be afraid to state or document the problems.

Fill-in forms

You may be able to save time by using a fill-in form. These are better for the one-time incident. They also help to standardize your documentation to the greatest extent possible. They can help to ensure that all disciplinary actions are analyzed, carried out, and documented consistently.

You may choose to combine these methods, depending on your needs.

OTHER DOCUMENTATION

You can also consider having witnesses (if applicable) provide you with a written statement. Witnesses can be fellow workers, customers, or bystanders. Getting as much information from as many different perspectives as possible can help you make the best decision about disciplinary action. Documenting that information can help you defend that action.

Get the employee's signature

Documentation should allow for employee comments and signature. That way:

- If the employee makes comments about changing or rectifying the behavior, you have documentation that the employee understood and accepted the discipline.
- If the employee disagrees with the action, you have documentation that you participated in this process with the employee. Allow the employee to record his or her disagreement on the form, but also try to work with the employee to come to an understanding. Document that process as well.
- If the employee refuses to sign the document, you at least have proof that the employee refused to participate in the process should the employee later challenge your actions. Write a notation on the document that the

employee refused to sign.