



# Documentation

# *Why Have Counseling Meetings?*

- *Increase in Communication*
- *Reduction in Turnover*
- *Absenteeism Trends*
- *Adds Value to Margin*
- *Good for Organization*
- *Elimination of Potential Liability*



## **The Five (5) W's of Documentation**

- **Who**
- **What**
- **Where**
- **When**
- **Why**

## Who?

- **Was/is involved?**
  - And their position within the company.
- **Has first hand knowledge?**
  - Are there known or potential witnesses?

## What?

- Describe the incident or recurring issue.
- Describe the specific behavior or actions.
- Do not add your comments, insights or interpretations.

## Where?

- Describe the location of the incident
- Was it on the workplace or workplace property?

## When?

- When did the incident occur?
- Was it during Regular work hours?
- “Off-duty” and/or time of day?
- Was the incident in the course of duty “part of the employee’s normal job duties”

## Why?

- Don't guess or speculate.
- Investigate and gather information.
- Include knowledge or information to support your findings/conclusions.
- Allow employee(s) to present their version of events/infraction.

## Information to Include on Counseling Form

- Date at the top of the form.
- A statement that a copy will be placed in the employee's personnel file.
- The employee's full and any nick name(s).

## Start with...

- An opening statement about the purpose of the documentation.
- Proceed with statements describing and defining the infraction and supporting information. Be sure to include dates.
- **DO NOT INCLUDE THE NAMES OF WITNESSES OR COMPLAINING PARTIES.**

## Continue by....

- Stating and describing the desired behavior, performance and/or conduct that must be changed by x date.
- If no improvement is noted they can expect the disciplinary action you are suggesting.
- Stating and describing reasons why they are receiving the disciplinary action.
  - Reference your company personnel policies, handbook, or code of conduct.

## *Do's of "Written" Counseling*

- Do... **Specify Date, time and location** of infraction and the **specific nature of the infraction.**
- Do... Check the employee's history. **Warnings should be sequential and include the steps of progressive discipline.**
- Do... **State the next step of discipline** should the employee repeat the infraction (i.e. final written warning, or further disciplinary action up to and including termination).
- Do... Ask the employee to sign the warning form. Should the employee **refuse to sign**, you may write in "employee refused to sign" in the space and have a witness initial that the employee receive a copy of the notice.

### Report of Employee Guidance/Discipline

- Verbal Guidance
- Written Guidance (Probation)
- Final Written
- Termination of Employment

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Witness (If Applicable): \_\_\_\_\_

Report of Circumstances Requiring Action: \_\_\_\_\_

**Describe the nature of the work issue/situation:**  Poor Performance  Attendance  Misconduct

[Be sure and include previous issues / dates in which notification to employee took place]

**Consequence:** [Sample wording] The above issue has been verbally communicated and discussed with [Employee Name]. A follow-up meeting to review improvement in the above [performance, attendance, misconduct, etc.] has been set for [typically a 2-week time frame is given]. Should further infractions occur [Employee Name] will be subject to further counseling up to and including termination of employment.

[Employee Name] has been given a copy of this Report of Employee Guidance/Discipline, in addition to access to [his/her] supervisor for any questions or concerns regarding the issues discussed.

I (employee) have read this action (or action has been read to me) and I acknowledge receipt of action.

the above employee named has been made aware of the issues of topic and the consequences that follow.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness (if applicable)

\_\_\_\_\_  
Date



**Scenarios to consider**

# Conduct

Sue has been employed with the company for two (2) years. She is well liked by her co-workers, reliable, and has always been very good with customers. However, during her last shift, she became irate and rude to a customer. In turn the customer filed a complaint regarding her poor behavior. What would you do?



# Setting Up HR Files

# Personnel File

## Contents (Retention 3 years recommended)

[http://www.dol.gov/dol/allcfr/ESA/Title\\_29/Part\\_516/29CFR516.5.htm](http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_516/29CFR516.5.htm)

- **New Employee Orientation Checklist**
- **Emergency Contact**
- **Hiring Checklist**
- **Application**
- **Job Description**
- **Counseling**
- **Performance Appraisal**

# I-9 Form

(Retention 3 years)

**Recent Changes have occurred and anticipation of revised form (4/3/09)**

**Recommend Three Ring Binder to place current and terminated employee I-9 forms in (e-verify as well)**

***\*Refer to Handout regarding Federal Record Retention Requirements***

Name	Abbreviation	# of Employees	Penalties	Reporting Requirements
Equal Employment Opportunity	EEOC	15+	Punitive-\$100k-\$300K	EEO1-6
Americans with Disabilities Act	ADA	15+	\$10K or subject to Litigation	Accommodations Costs-traditionally low.
Occupational Safety and Health Act	OSHA	11+	-Violations \$5k-\$70k per incident -Criminal \$500k	OSHA 101-102 OSHA Log OSHA 300
Affirmative Action Plan	AAP	Federal Contractor w/ \$10,000+ contracts	\$35-500K	Report is specific to the company.
Fair Labor Standards Act	FLSA	1+	\$1,100 per violation plus potential jail time	Min Wage, equal pay, overtime, records kept for 3 years.
Immigration Reform & Control Act	IRCA	1+	\$250-\$2000-Emp \$100-\$1000-form	I-9 filed for all employees.
Workers Compensation	W/C	5+ for Missouri 3+ for Arkansas	Construction industry employers who erect, demolish, alter or repair improvements must carry workers' compensation insurance if they have one or more employees.	OSHA Log