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The ABCs of documenting employee performance

Documenting the performance of a toxic or underachieving employee should never be a haphazard effort. Clear, respectful communication about the nature of the problem, how it can be solved, and consequences to expect if improvement does not happen demonstrates that you want to help the person live up to organizational expectations. Such records also serve as evidence should questions arise down the line about unfair termination or improper treatment by the employer. Creating your defense now can prove valuable if someone decides to pursue legal action later.

Whether recapping conversations for inclusion in the person's file or sending a follow-up email to provide the offender with a summary of what transpired when you talked, it pays to remember the ABCs of performance documentation – accurate, behavior-based, and consistent. Here's a closer look at what each of these factors entails.

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A is for Accurate

If a judge, jury, or plaintiff's lawyer finds one error, all of your documentation becomes suspect. Thus, take the time to prioritize accuracy.

- Record events as soon as possible instead of going back and trying to remember. Details become harder to recall with the passage of time.
- Record only job-related behavior. Your concern, for example, is to note that the employee has been late five times this month – not to speculate the reasons why.
- Record your own direct observations, not what others claim. You can mention the fact that a third party (such as a customer or colleague) reported information or lodged a complaint, but don't treat what others say they saw or what they conclude as your own recollection.
- Tell the whole story, both positive and negative. Withholding parts can make it seem like you are hiding details in order to make someone look better or worse.

Notes about the encounter during which you presented the situation to the person in question also need to stay factual and accurate. Stick to what happened, not the employee's reaction. For instance, it would be suitable to state, "When I gave Dennis the warning, he said he was going to get a lawyer and go to the EEOC. I told him that was his right and we respected that, but we were meeting to discuss his work performance." Avoid crafting documentation as "Dennis was upset when I gave him the warning. I'm concerned he is going to get a lawyer and go to the EEOC. That could really cause us a problem."

B is for Behavior-based

Avoid editorializing by documenting specific facts, not your opinions or conclusions. Whether or not you think something is reprehensible or a sure sign of laziness is not the point – stick with describing the objectionable behavior.

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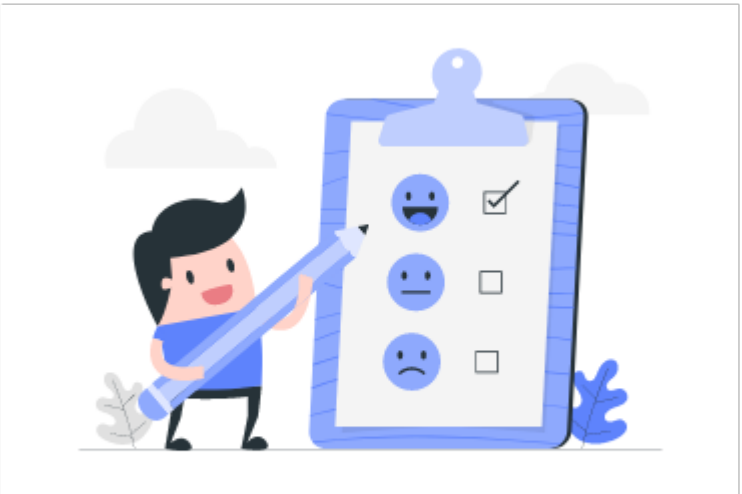

To that end:

- Minimize use of descriptive adjectives and adverbs (i.e., sloppily, pouty, annoyingly).
- Keep your language professional. Any reader of your document – whether the person in question now or an investigator down the line – should find your account civil and objective rather than mean-spirited or gossipy.
- Don’t make conclusory statements about personality, attitude, or traits. Conduct can speak for itself if you describe it well enough.
- Refrain from playing psychiatrist or life coach. Avoid interpreting, blaming, or excusing behavior based on what may or may not be going on in someone’s life.

Consider the difference between these two approaches to dealing with a problem employee. A manager could say something like “Your work ethic needs improvement.” Or, he could say, “We expect you to complete routine updates in two hours. On average, it takes you five hours. I hope you will attend an additional virtual training course scheduled for next week, and by the end of the month, I expect your productivity will reach the standard, or at least increase substantially. Let me know if there is anything else we can do to help you.”

The first statement is vague, judgmental, and unlikely to lead to any real change. The second sticks to the facts and offers assistance. An outsider hearing about the situation may indeed draw the conclusion that this employee’s work ethic needs improvement, but you kept to your professional obligation to focus on behavior. Such documentation also gives you leverage if a disgruntled employee later tries to claim you never addressed the problem or offered help.

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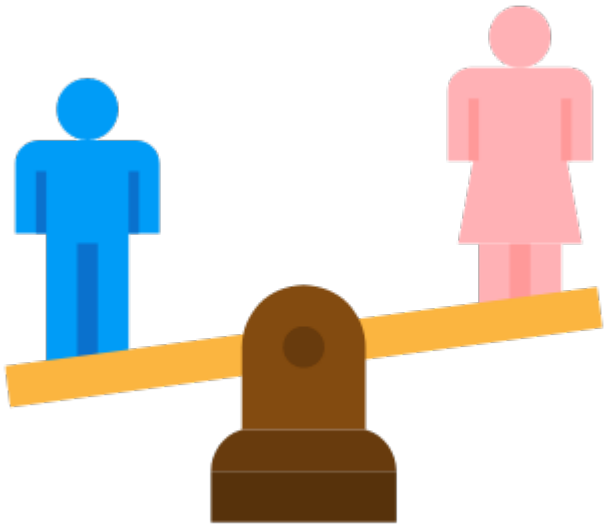

C is for Consistent

Finally, keep procedures the same among employees. Obviously, some scenarios may require more effort and documentation than others, but the actions taken for similar offenses should be consistent.

- Use the same format and level of detail every time. While there might be a difference between how you handle types of transgressions, such as what documentation procedures you follow for a poor performer vs. an office bully, the process should be alike within a given category.
- Avoid over-documentation on a particular employee. Such action can appear punitive or retaliatory in subsequent litigation. People looking at the case may question your motives or believe you set out to "get" someone.

Resist writing a dictionary for one employee and just a few sentences for another. If Bob, Ted, and Mary all have attendance issues, the corrective action taken and recorded for each of them should look similar. However, the files for Mike and Melissa may be quite thicker and more in-depth if these two are being looked at for possible harassment of a colleague. This greater coverage is okay – as long as investigation and notation for both employees stays on the same level.

Documenting performance takes time and thought, but doing it correctly can prevent headaches down the line. Make your efforts count by sticking to the ABCs!

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