“HOW TO”

DOCUMENT EMPLOYEE PERFORMANCE

✓ Document as situations happen
  o Date each note so that it is believable you made prompt notes
  o Don’t try to write a year’s worth of notes in a week
  o Helpful hint: send an email to yourself regarding the situation so it time
    and date stamps the documentation

✓ Maintain Balance
  o Keep performance notes on all employees, not just for employees you believe
    will be a problem

✓ Keep observations job-related and use objective criteria
  o Avoid comments that are subjective or outside of the job
  o Refer to specific situations or course of conduct
  o Ex.
    ▪ DON’T: cite an employee’s lack of attention to detail generally
    ▪ DO: point out that the employee’s budget report has been incomplete
      for each of the preceding weeks

✓ Support your observations with facts
  o Use attendance, disciplinary, or production records
  o Think your opinion, don’t write it down
    ▪ i.e. If you think an employee is lazy, don’t write it down; Instead cite the
      specific course of conduct which leads to that conclusion

✓ Focus on the deficiencies, not the perceived underlying cause
  o May give rise to perceived disability; ADA claim

✓ Avoid emotion
  o Don’t write notes when angry or frustrated
  o Write about all employees with respect, regardless of misperformance

✓ Avoid conclusions
  o DON’T: state “the employee can’t be counted on to get to work on time”
  o DO: state “the employee was late four times during the week of September 10
    and arrival time varied from 10 to 20 minutes late”
  o Providing facts will allow others to reach the same logical conclusion
✓ **Remember that others may read your comments**
  - ALL documents, including emails, are discoverable unless written to or by General Counsel
  - Provide enough information so that the documentation allows others to see why you made the decision you made
  - Keep comments as brief as possible so that it doesn’t seem that you are out to get an employee

You have correctly documented performance issues IF your documentation is
1) Accurate, 2) Objective, 3) Specific and 4) Focuses on behavior