

*Examining practical HR issues business owners  
and managers encounter every day*

## ***It's Good to Document -- But Only If It's Good Documentation***

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### **More HR Writing Tips**

- If you supervise supervisors, review their documentation before it is sent to the employee or the personnel file.
- It's great to "borrow" other organizations' handbooks as a starting point for writing yours, but don't assume that they did everything

### **Beware the Written Word...**

**That phrase surely sounds ominous, doesn't it?** Well, as it applies to documents we send to our employees, it is a truism. In my conversations with clients, the danger and the saving grace of documenting and communicating with employees in writing is a constant theme.

**Whatever you write to your employees, there are SO many potential pitfalls.** But if you stop writing out of fear, you will be doing an even greater disservice to your organization.

correctly or that they know the laws; get a second opinion.

- If you're writing a performance appraisal, you must be honest. Be clear on the employee's developmental areas. This feedback is key to the employee's success as well as for documenting problems that could escalate to disciplinary action or termination.

### How Arlene Can Help

#### **Employee Handbook**

**Audits:** Email Arlene your handbook and she will audit it for compliance, thoroughness and practicality. Minimize your risks of missing an important policy component.

**So regarding the "Beware," what should you be wary of?** I believe the worst thing is not acknowledging that your relationship with your employees is "at will." This means that you have the right to terminate the employee with or without cause, reason, or notice -- and the employee has the same right. However, there are a multitude of ways that we create written statements that contradict these legal rights.

**Here are some examples of things NOT to do** (P.S. -- if you see yourself in this list, don't fret -- you are not alone):

1. You send an offer letter to an employee. You title it Employment Agreement or Contract and fail to include "at will" language. You define a set period of employment with a beginning and ending date. You present the employee's pay in terms of an annual wage.
2. You write a "safe" employee handbook, making sure you don't ruffle any feathers. You omit the policy on Rules of Conduct, listing the different infractions that are grounds for disciplinary action. You include 4 required steps to progressive discipline: verbal warning, written warning, final warning, then termination. You fail to include (and/or collect) an acknowledgment form requiring each employee to abide by the policies, allowing you to change the policies, and revoking

## **Disciplinary**

**Documents:** Make sure these protect you as well as give clear solutions for an employee to improve. Arlene will work with you to ensure you've covered all your bases.

## **Performance**

**Appraisals:** Arlene can train you and your managers on how to write and conduct appraisals. Arlene can help you set standards for consistent reviews throughout your organization.

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previous policies.

3. You write an employee disciplinary action notice. You expect their behavior, performance, etc. to change. You give them 60 days to change this behavior and commit to reviewing them at that time.

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**...But Don't Stop Writing**

## **So what should you do?**

1. Your Offer Letter should not imply any Agreement, Contract or statement that locks you into a term of employment. Do include a hire date, but never a termination date -- even if the position is tied to a specific period of time, such as a non-profit funding source. By including an ending date, you are required to employ (or pay) employees through that period no matter their performance.
2. Your Offer Letter should also not include an annual salary, such as: Your pay is \$30,000 per year. Now you've opened the door for guaranteeing the employee one year's wages. Instead, quote the pay by pay period.
3. Your Handbook should list a sampling of potential

performance and policy violations. Without this list you will have greater difficulty proving termination for cause when defending an unemployment claim.

4. By listing a 4-step disciplinary process, you become legally obligated to follow it. So, if an employee steals from you, you are required to start with a verbal warning. Instead, include that you prefer to follow a progressive process, but that you reserve the right to start at any point including immediate termination.
5. Handbooks are dynamic documents, subject to individual interpretation and change. Make sure you announce those rights in the handbook.
6. Regarding the disciplinary example above, you've just promised this employee 60 days of employment. What if you want to fire them 7 days after the warning for a gross error or misconduct? You might have to keep them for the entire 60 day period! Instead, tell the employee that you will monitor them closely and conduct a formal meeting in approximately 60 days. Add that their employment is at will and that you reserve the right to terminate them any time during or following the 60-day period. Then, if the excessive absenteeism doesn't stop, you can terminate them before the 60 days. Or if attendance is

perfect for the 60 days, and on day 61 they're a no-show, you can terminate them on day 61.

So before you send an email that you may regret or write a letter that may be too stringent to live by, take the extra time to make sure you're safe in sending it -- or get a second opinion on what you've written.

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## About Arlene Vernon

Arlene Vernon, PHR, partners with small businesses as their Human Resource Xpert to create their HR systems and solve their HR problems.

If you have gaps in your HR operation, have an employee problem to solve, or want to enhance your managers' skills, call Arlene today. Learn how HRx can save you time and help you avoid costly HR mistakes. HRx, Inc., Eden Prairie, MN 55344, 952-996-0975, [www.HRxcellence.com](http://www.HRxcellence.com).

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