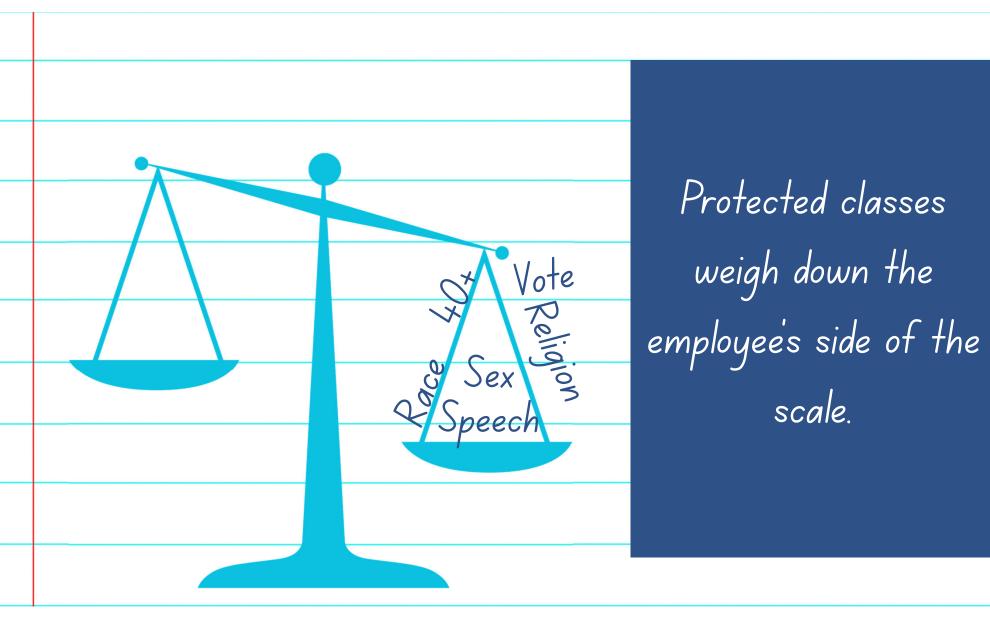


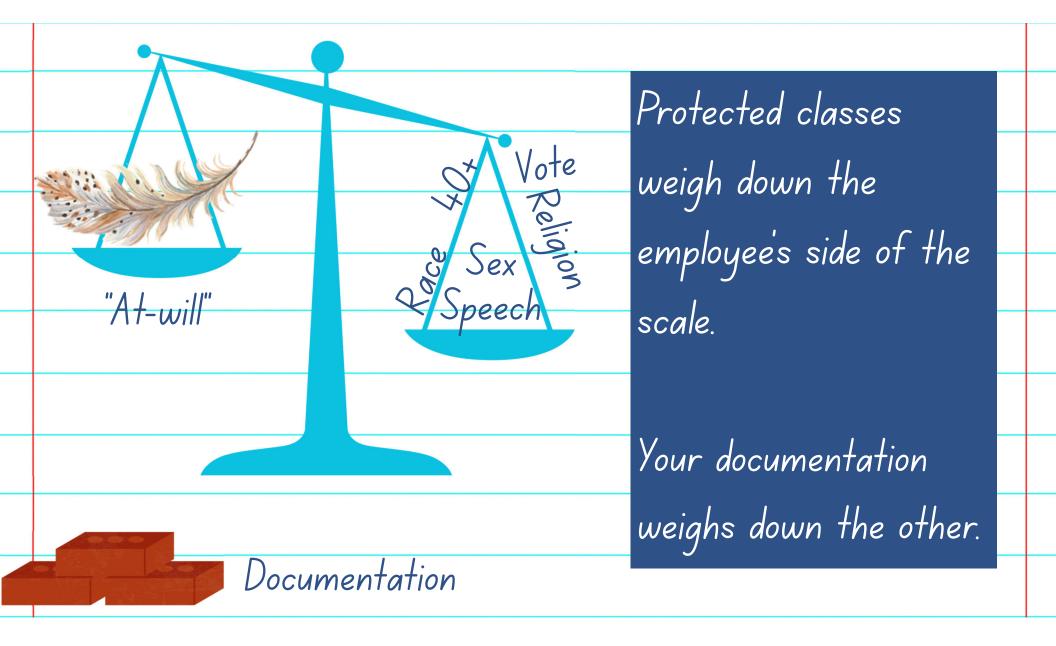
WHY DO WE DOCUMENT?
 Creates a record of actions taken
and the reasons for the actions.
2.Gives employees clear feedback so
they can improve their performance.
3. Provides employees with notice of
consequences for their behavior at work.



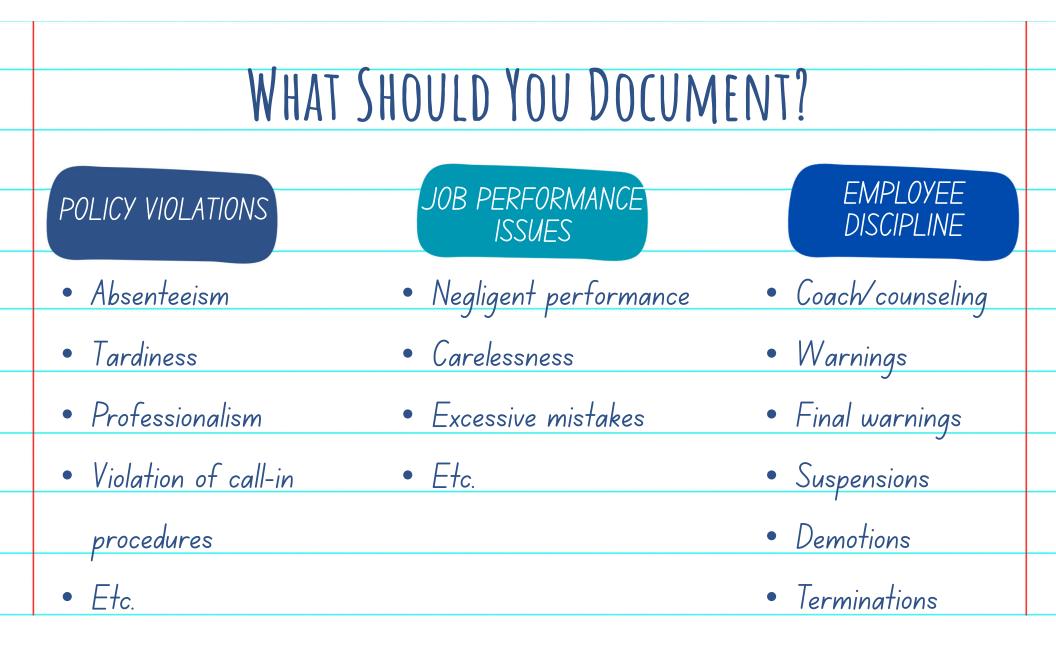
"AT-WILL" EMPLOY	YMENT CONTINUED
 Arkansas law: The general rule is that an employer or employee may end the employment relationship at-will. 	An "at-will" employee cannot be fired for an illegal reason!







EEOC OR A LAWSUIT	
• An employee can file a Charge of Discrimination with the EEOC	
for ANY civil right	
The employee does not have to be right. They only have to	
fit into one of the protected classes to make it past "GO."	
Documentation nips this in the bud 99% of the time!	





Bob works in the Road Department. Bob was previously assigned to a job in the shop. However, Bob could not perform the essential functions of that job. No documentation existed about Bob's inability to perform his job duties. Bob was transferred to another job.

In his new job, Bob selectively performs the tasks that require less manual labor causing other employees to work more. The Foreman talks to Bob several times but does not document the conversation in any way.

Later, Bob comes to work stating he has an aneurism, high blood pressure, and provides a doctor's note stating he needs two 15 minute breaks per day.

After going through the interactive process, Bob is released to return to work full duty. One week later, you fire Bob.

Bob files a charge with the EEOC for Failure to Accommodate and Retaliation.



"REAL LIFE" EEOC No Job Description/Postings

JIM WORKS IN THE ROAD DEPARTMENT AS AN OPERATOR. HE FILES A DISCRIMINATION CLAIM WITH THE EEOC AFTER HE DID NOT RECEIVE A PROMOTION.

THE PROMOTION WAS NOT PUBLICLY POSTED. THERE IS NO JOB DESCRIPTION FOR THE POSITION. THERE WERE NO APPLICATIONS SUBMITTED FOR THE POSITION. THE PERSON THAT WAS PROMOTED WAS DONE SO VERBALLY (ZERO DOCUMENTATION TO MEMORIALIZE THE PROMOTION).

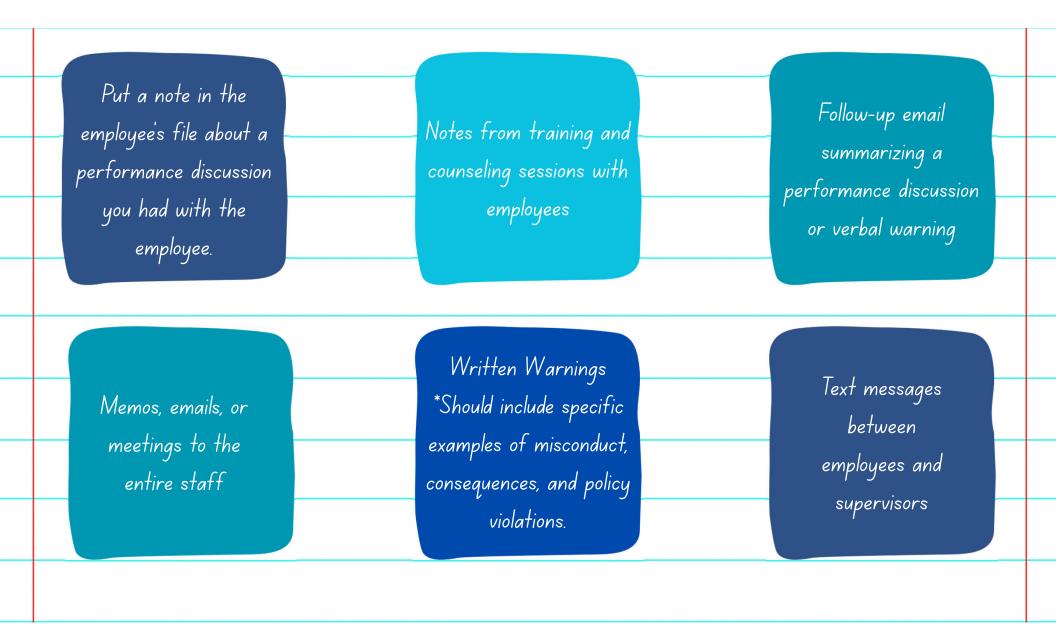
I HAVE NO WAY TO PROVE THAT HE IS NOT QUALIFIED FOR THE POSITION OR TO SHOW WHY HE WAS NOT PICKED OVER THE OTHER INDIVIDUAL.

STILL PENDING WITH THE EEOC

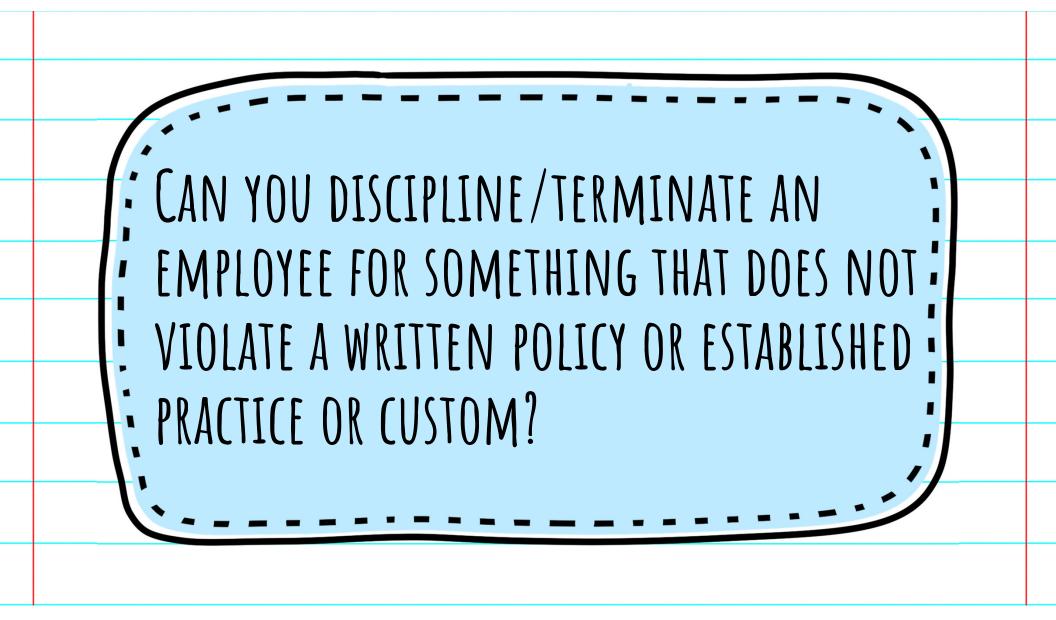


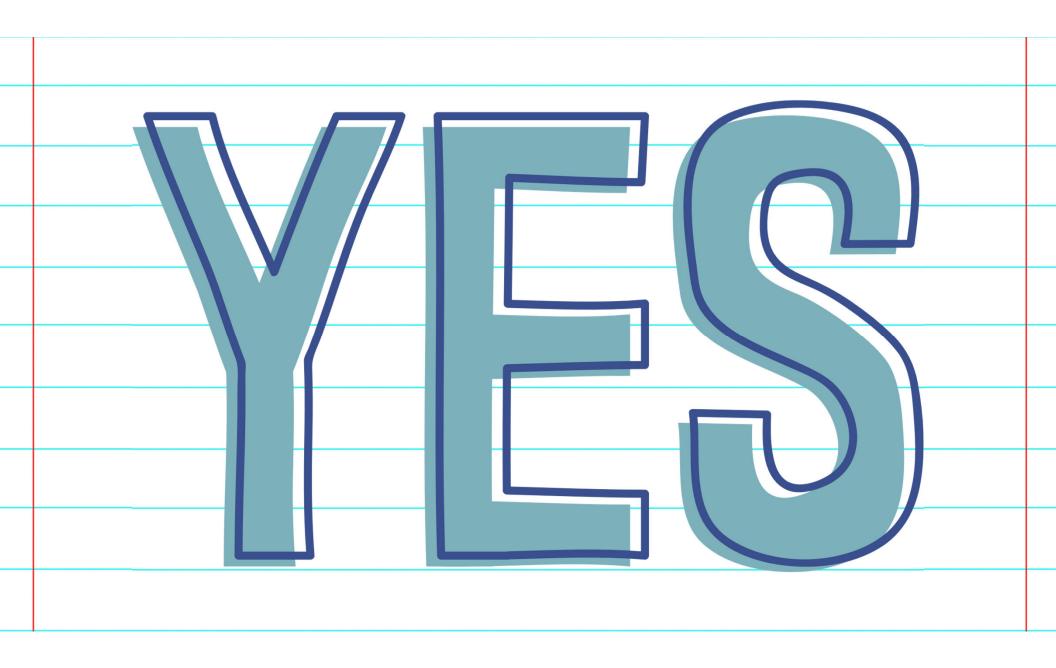
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Regular and Reliable attenda	NUE	DO YOU REQUIRE			EES TO			MUCH							IRED TO V TIONS?		
MAINTAINING A PROFESSION	AL	REPORT IF THEY A PRESCRIPTION M			T COULD			TED VS. OFTEN		DIFD					r Consta VDITION		
demeanor/attitude.		CAUSE SIDE EFFEC			VSINESS	,	• REPE	ATEDLY, ILARLY, IR AMOI	FREQUE	INTLY, INALLY,	SOME	•	.0UD / '	VERY LOU	ID ENVIR	ONMEN	π
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SOME THINGS JUST GO WITHOUT SAYING.

THIS SHOULD BE LIMITED TO THOSE THINGS THAT ARE SO OBVIOUS AS TO NOT REQUIRE TRAINING OR EXPRESS INSTRUCTION.

Examples:

Hanging up on customers

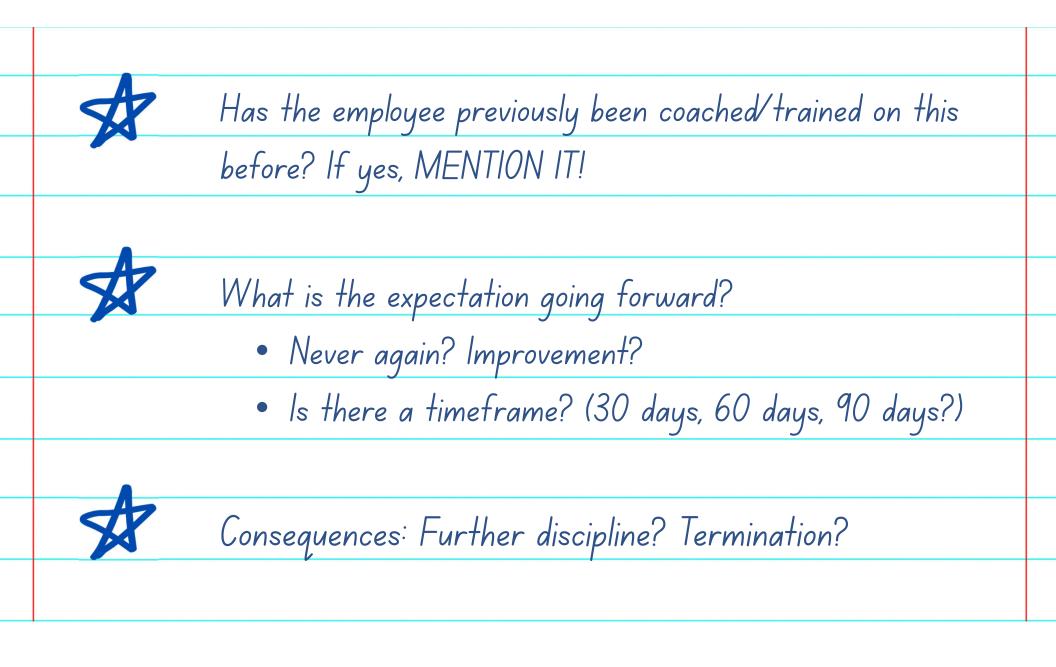
Asking a customer to wait while the employee finishes a personal phone call

Making TikTok videos while on the clock



WHAI IIVFUK	MATION SHOULD
NIT NN	CLUDE WHEN
	ACNITINIC?
DULUI	MENTING?

	Date the document is prepared	
5	What did the employee do?	
	 Approximate date of the misconduct 	
	 Summary of the misconduct 	
	 Names of anyone else involved. 	
×	What was the expectation? (and what should they have	
	done differently?)	



An invitation for the emp	oloyee to ask questions for
clarification of your expe	ctations.
Employee signature on th	ne document.
 Refusal to sign 	
• Follow-up email w/r	ead receipt
 Follow-up text mess 	age
Copies of any communica	ations to the personnel file.

SAMPLE

June 2, 2023

Dear Mark:

This letter is in follow up to our earlier conversation about your work performance. On May 30, 2023, I noticed that you did not properly _______. As you know, one of the essential functions of your job is to be able to _______. You stated that you felt you needed additional training , which is being provided to you over the next few days. My hope is that with the additional training you will be able to _______. However, if your performance does not improve, you may receive further discipline, up to and including termination. If you still have questions about how to do _______ after your training, let me know right away.

Respectfully,

Mallory Floyd [Elected Official Title]





WILD DELTEV/EC THAT DECILLAD AND
WHO BELIEVES THAT REGULAR AND
RELIABLE ATTENDANCE IS AN ESSENTIAL
TOB FUNCTION FOR YOUR EMPLOYEES?
JOD LOUVCITOUN LOW LOON LIMITEOILED!

ESSENTIAL FUNCTION ANALYSIS	
THE 8TH CIRCUIT HAS SAID THAT REGULAR & RELIABLE ATTENDANCE IS AN	
ESSENTIAL FUNCTION OF MOST JOBS.	
CAN YOU ARTICULATE WHY IT IS IMPORTANT FOR YOUR EMPLOYEES?	
DO YOU HAVE A POLICY THAT SUPPORTS THIS?	
T DO YOU HAVE A PATTERN OF DISCIPLINE FOR ATTENDANCE THAT SUPPORTS THI	5?
	L

ATTENDANCE ISSUES

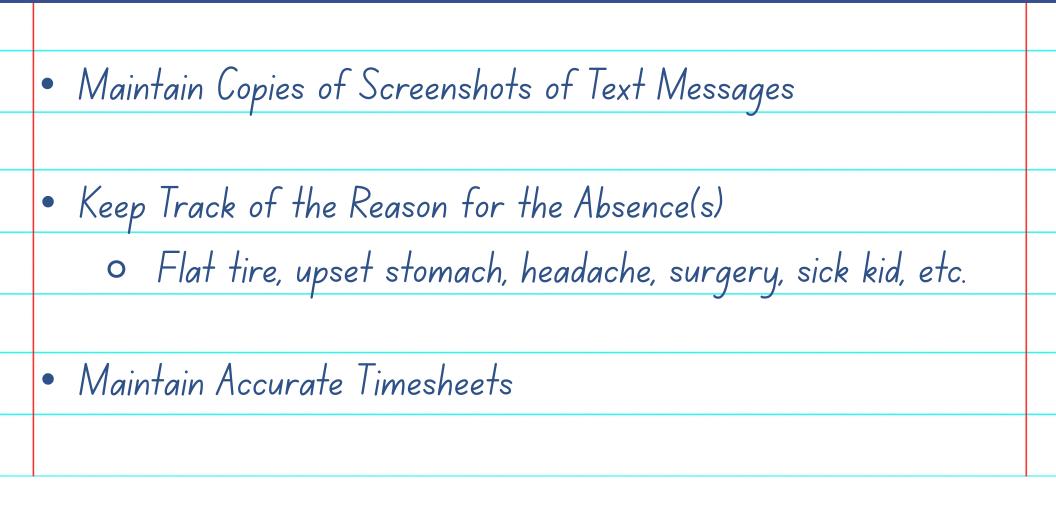
Consistently Tardy

Excessive Absenteeism

Untimely Return From Breaks/Lunch



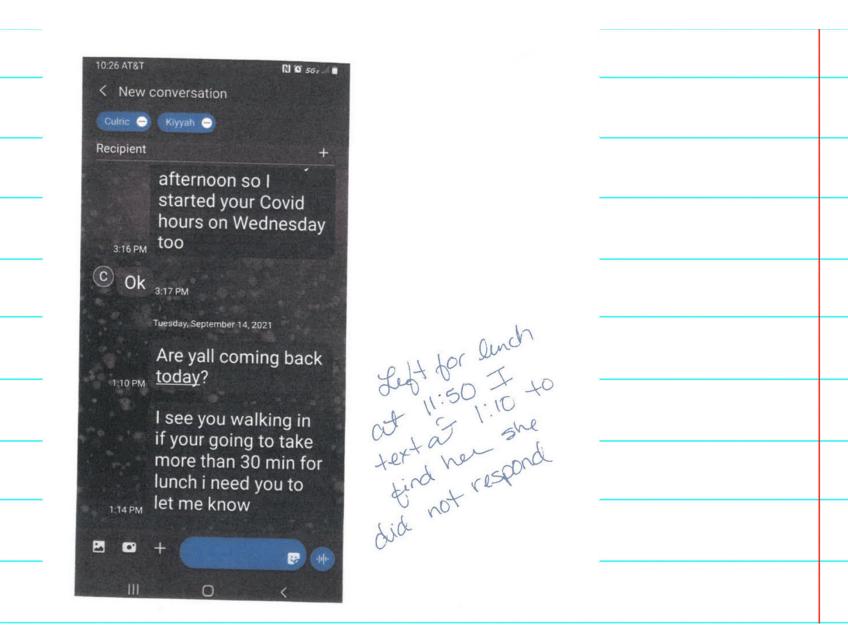
HOW TO DOCUMENT ATTENDANCE



EMPLOYEE NUMBER:

PAYROLL PERIOD ENDING:

DATE	DAY	IN	OUT	IN	OUT	REG HRS	O/T HRS	VAC HRS	SICK HRS	HOLIDAY
5.2	MON	8	130	200	430	8				
5-3	TUES	8	180	200	480	8				
5-4	WED	8	130	200	430	8				
5-5	THUR	8	130	200	480	8				
5-6	FRI	8	30	200	430	8				
20		a	120	200	430	4				
5-9	MON	\$	130	200	430	8				
5-11	WED	8	30	200	430	8				
5-12	THUR	- St	11:30	200	430	8				
5-13	FRI	0	130	200	430	8				
			L	[TOTALS:					

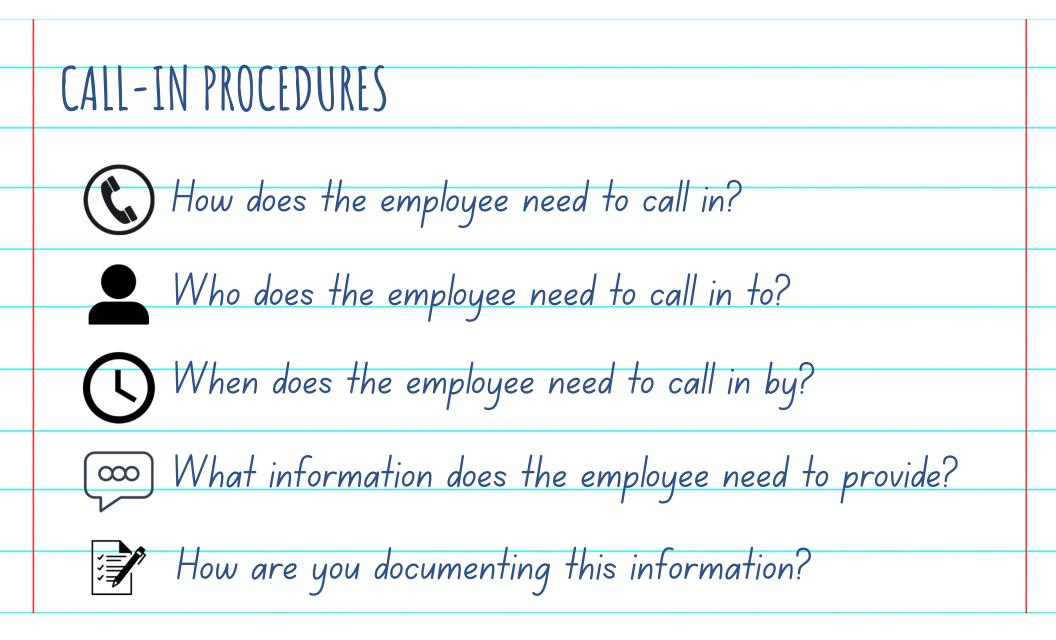


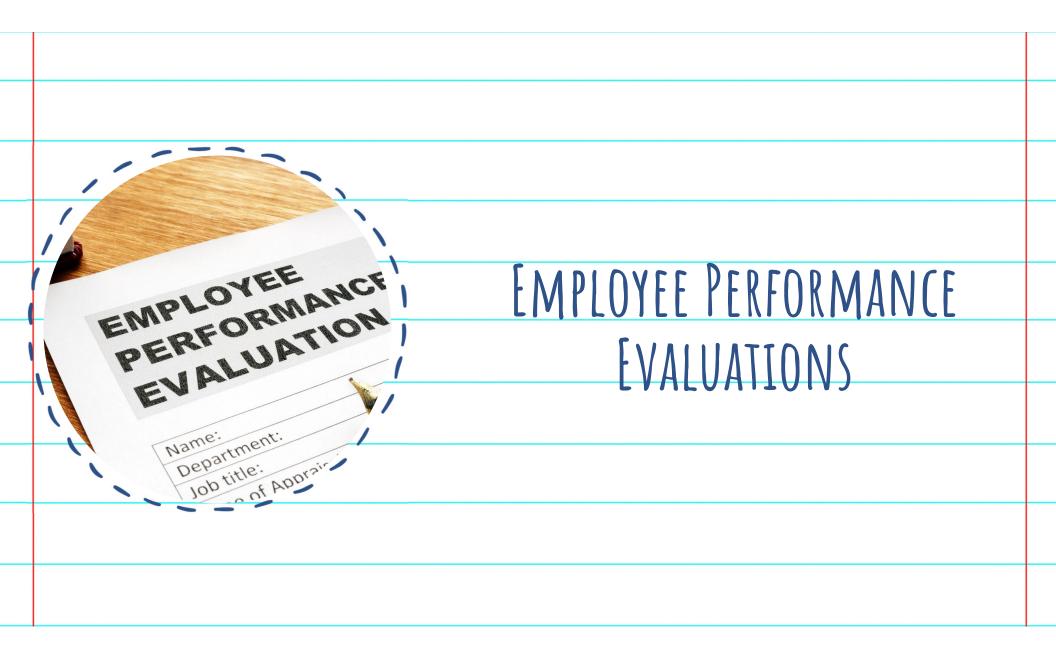
DAY	DATE	IN	OUT	TOTAL HOURS
Sunday	6/3/07			
Monday	6/4/07	8:00am	12:02pm	
		1:00pm	5:03pm	8
Tuesday	6/5/07	7:57am	11:58am	
		1:00pm	5:00pm	8
Wednesday	6/6/07	8:02am	12:10pm	
		1:06pm	5:05pm	8
Thursday	6/7/07			
Friday	6/8/07			
Saturday	6/9/07			
Total Workweek H	lours:			24

TIME KEEPING

- Employers have a duty to maintain accurate records regarding the number of hours worked by their employees.
- If your office has not switched over to a time keeping software, we recommend that you do so!









As your supervisor, I have no idea what you do, but I know you can do better, so I'm rating your performance for the year as "adequate".

somee cards

"REAL LIFE" EEOC Inaccurate performance evaluations

A female employee applies for one of two available promotions within the sheriff's department. Ultimately, 2 males were promoted to these positions. No notes were saved from the interview/promotion process.

The female employee filed a charge of discrimination with the EEOC alleging she was denied the promotion based on her sex (female). Alleges the men were both less experienced and less qualified

PERFORMANCE EVALUATIONS WERE CONSIDERED IN THE HIRING PROCESS Female employee had stellar performance evaluations for the past 4 years. Male employees scored lower (3s and 4s) for the same period

DO - EMPLOYEE PERFORMANCE EVALS.

Performance evaluations are a great way to keep tabs on whether your employees are meeting your expectations of your office and of their job titles.

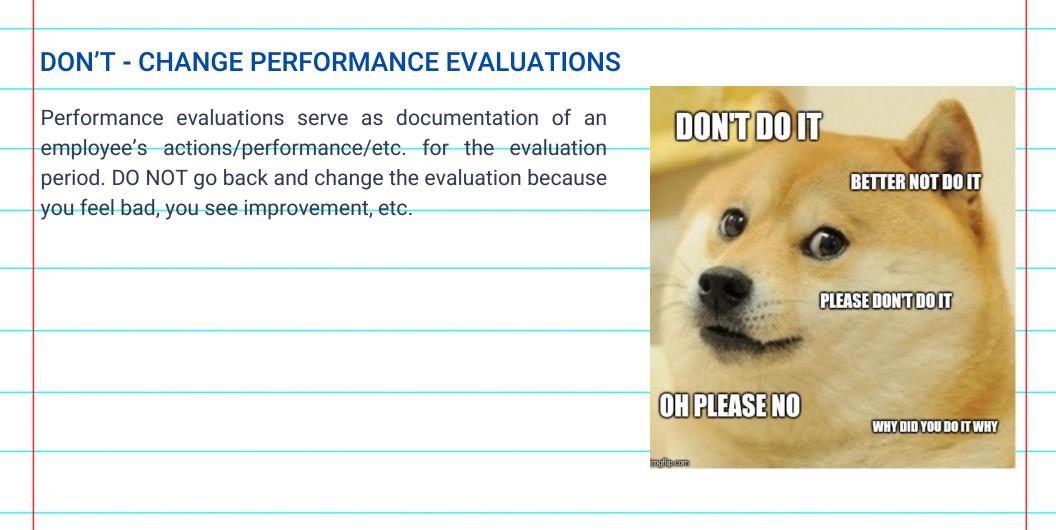
DO - COMPLETE EVALUATIONS HONESTLY

Honest evaluations put your employees on notice of areas they need to improve AND create documentation of where employees are not meeting your expectations/standards. **Dishonest reviews put you at risk.**

DO - MEET WITH YOUR EMPLOYEES

Meet with your employees to discuss their evaluations. You can also have them sign a copy and date it.







TERMINATION LETTERS	
Do you always need to give someone a termination letter when they are being fired for cause?	
No. There is no legal "requirement" to provide a letter when you fire someone.	
However, letters can be a great piece of documentation. • It is hard to rewrite history when it is black and white on a piece of	
paper.	
 Serves as a defense to due process claims. 	



