

Documentation Seminar



POTTS & ASSOCIATES

Getting your Case down on Paper Effectively

Unemployment insurance cases are often won or lost because of documentation you have or don't have. In discharge cases, details written down may make the difference between winning your case or losing it.

Verbal Warnings:

Follow your company policy. If you are required to give verbal warnings, do so. But make a note of the date and subject of the verbal warnings.

Written Warnings:

A written warning is a clear means of documentation. A well-written warning explains:

1. The Offense. Be specific. If tardy, how late? If absent, what, dates? What reasons were given?
2. The expected behavior in the future.
3. The consequence for failure to eliminate or improve the problem.

Last Incident:

Without a "final" or "triggering" incident to precipitate the discharge, no amount of warning or documentation will win an unemployment insurance case. What was the last straw? What made you decide to terminate the employee at this time?

Always give the employee a chance to explain the last incident. Write down his explanation and make a note as to why you felt you should discharge him in spite of the excuse offered.

Documenting a Voluntary Quit:

The more you know about the reason a person is quitting, the better chance you have of preventing unnecessary unemployment costs. Many times the reason given to the employer changes when an unemployment claim is filed. Be able to back up your position with documentation.

1. A letter of resignation is desirable whenever it is possible to have the employee write one. A complete statement would include the effective date of resignation, date submitted, and reason for leaving.
2. Alternatives to quitting should be offered when a valued employee tells you he or she must quit because of some condition which it is possible to correct or alleviate. Think in terms of what you might do to prevent the quit.

In any case, where you suggest or attempt alternatives to preserve employment, if the employee refuses your offer(s), make note of the solution you offered and the reason for refusal. Anything you have done to reduce the employee's complaint increases your chance of preventing unnecessary unemployment costs.

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Documentation should contain all the significant elements surrounding an exceptional incident of employee behavior. When preparing your documentation, it may be helpful to review the following checklist to ensure completeness and accuracy.

1. Did you record the incident properly, while your memory was still fresh?
2. Have you indicated the date, time, and locations of the incident?
3. Did you record the action taken or the behavior exhibited?
4. Have you listed the specific performance standards violated or exceeded?
5. Did you indicate the person(s) or work product(s) involved?
6. Have you indicated specific rules or regulations violated or surpassed?
7. Did you record the consequences of the action or behavior on the employee's total work performance and/or the operation of the work unit?
8. Have you been objective, recording observations and not impressions?
9. Did you indicate your response to the action or behavior?
10. Did you indicate the employee's reaction to your efforts to modify his or her behavior?

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Separations

1. Voluntary Quit

This is a separation completely initiated by the employee. Below are some of the most common reasons.

1. To accept other employment
2. To look for other employment
3. Dissatisfied
4. Relocating to another area
5. Medical
6. To attend school

PLEASE TRY TO GET A LETTER OF RESIGNATION. It should include the reason for leaving, the date and the employee's signature.

Exit interviews should be conducted whenever possible. Attached is a guide to assist you in this process.

NOTE: DO NOT CHANGE THE DATE OF RESIGNATION. If you terminate the employee before the date of resignation, it will be considered a discharge unless you pay them through the date of resignation.

2. Discharge for Misconduct

This is a separation initiated by the employer due to what has been defined as a "willful and wanton disregard of the employer's interest".

The burden of proof must, be established by the employer. The employer must prove:

1. The employer had a rule regarding the matter that caused the employee's discharge.
2. The employee was aware of the rule and was aware that he/she could be terminated for violating the rule.
3. The employee violated the rule.

NOTE: THERE MUST BE A FINAL INCIDENT WITHIN REASONABLE PROXIMITY OF THE ACTUAL DATE OF TERMINATION.

3. Separations for Reasons other than Misconduct

1. Poor work performance
2. Lack of work

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20 Questions to ask before Firing

1. What policy or procedure did the employee violate? Was it published? If so, where? Is there a specific penalty?
2. Is the rule stated in a way that is easy to understand?
3. Did the employee receive a copy of the rule that he or she violated?
4. Is the rule violated reasonably related to the orderly, efficient and safe operation of the business?
5. If other employees have violated this rule, did they receive similar disciplinary action?
6. Has the company done anything to support a reasonable belief that the action prescribed was condoned in the past?
7. Can the company prove that it deals with violations of this rule in a consistent fashion?
8. How does the record of this employee compare to the record of other employees who have violated this rule?
9. Has this employee been warned previously for a violation of this rule? Has the employee had time to correct the problem?
10. Has this employee ever received a written warning concerning a violation of this rule?
11. Has this employee received a final warning carefully investigated prior to disciplinary actions? Has there been a hearing?
12. Was the incident that triggered the final warning carefully investigated prior to disciplinary actions? Has there been a hearing?
13. Is there a record showing the steps taken to correct this employee's improper actions prior to serious disciplinary action?
14. Have similar written records been kept and similar steps been taken by the company to correct the improper actions of other employees?
15. Does company evidence include witnesses, dates, times, places, and other facts on all past violations, including the last one?
16. Have I considered the severity of the offense, the employee's record, and length of service to decide the proper discipline?
17. Did the employee offer any excuses or mitigating circumstances to justify the action in this instance?
18. Have I investigated the employee's explanation thoroughly?
19. How soon after the act in question will discipline be administered?
20. Have I asked these questions before dismissing the employee?
 - A. Will termination be a surprise to the employee?
 - B. Has management approved the dismissal decision?
 - C. Can the employee be terminated in private?
 - D. Is the employee's final paycheck ready?
 - E. Can I explain insurance and benefit conversions?
 - F. Who should be there?

GUIDE FOR REPORTING SEPARATIONS

The following is a list of questions to help you fill out the termination form to provide Potts & Associates with the necessary information needed to process the unemployment claim.

LAYOFF

1. REASON FOR LAYOFF

Which of the following caused the layoff? Indefinite lack of work, part-time work, temporary layoff, vacation shutdown, casual labor, no work after leave, disaster, seasonal work, temporary replacement, permanent plant closure, transfer to and layoff by other company, If temporary, what is recall date? Was transfer offered and refused, why?

HEALTH - Ceased Working

2. ILLNESS-SELF

What is type of illness? Why does it necessitate quitting? Was quit by choice or doctor's orders? Or was it company policy? Can employee work again? If so, when? Was leave proposed, requested or refused?

3. PREGNANCY

What is approximate confinement date? Did

company policy require leaving? Or employee's choice, or doctor's orders? Was leave proposed, requested or refused?

NOTE -In NY, NJ, CA, HI, PR, and RI were appropriate forms filed for state mandated disability

RETIREMENT

1. REASON FOR RETIREMENT

What is age of retirement? Was retirement voluntary? Company policy? Will retiree receive monthly pension? If so, what is monthly amount? What percentage will company contribute? What is effective date of pension? Is employee able to work? And plans to?

QUITS - Personal Reasons

NOTE - In all quit cases answer questions under Advance Notice and questions concerning the reason for quitting.

5. ADVANCE NOTICE

Did employee inform company of quit? Who received notice on what date? What was intended quit date? Did employee leave before quit date? What date? His decision or company's?

6. DEATH IN FAMILY

What was relationship to deceased? What reasons were

given for quitting? Was leave offered, requested or refused?

7. DOMESTIC RESPONSIBILITIES

What condition caused the quit? Childcare? How many? How old? Is employee available for part-time work? Is employee retiring from labor market? Was leave offered, requested or refused?

8. ILLNESS-FAMILY

Who is ill, of what illness? How long has condition existed? Why is employee responsible? When can employee work again? Was leave offered, requested or refused?

QUITS - Personal Reasons

9. MARRIAGE

What is date of employee's marriage? Will employee move from area? Where? Is employee's spouse employed? Is employee retiring from labor market? Was leave offered, requested or refused?

10. MILITARY SERVICE

Was employee accepted for service? What branch of military service? For what length of time?

11. TRANSPORTATION

How had employee traveled to work? Length of time between home and work? How long had employee done this? Was this the way when job was accepted? What was

daily cost of travel? Did employee exhaust all other means? Was travel problem temporary? Was time off requested to correct problem?

QUITS - Other Reasons

12. BUSINESS FOR SELF
What kind of business?
Where is business located?
When will employee start business?

13. CHANGE OF RESIDENCE
What is employee's new address? Why is employee moving? Is employee accompanying spouse? Is spouse employed? Was transfer available? Refused?

14. DISSATISFIED WITH JOB
Did employee lack interest in job? What caused lack of interest? Did employee object to supervision? Did employee receive proper instruction? Did employee see ways for advancement? Was employee satisfied with earnings? If unsuccessful at sales, why? Inability, poor business competition?

15. NO RETURN FROM LEAVE
Did employee contact company? If so, what was the understanding? What was period, leave granted for? Was job available at end of leave? Did employee refuse extension? Did company offer

or refuse extension? Did employee understand leave policy?

16. OTHER WORK
Does employee have another job? Is employee leaving to seek another job? When will employee begin new job? In what capacity? At what pay? Who and where is new employer? Is new job a promotion? Better pay?

17. REFUSED REDUCTION
What was reduction in hours? Pay? What was reason for reduction? Was it temporary? For how long?

18. SCHOOL
Was employee regular or seasonal? When will employee start? In what school? Can company offer part-time work? Is employee available for part-time work?

19. TRANSFER REFUSED
Where was transfer offered to employee? What type of work was offered? Why did employee refuse transfer? Was pay reduced? If so, how much?

QUITS - Reason unknown

20. QUIT REPORTING
Did employee leave without notice? Had employee shown signs of grievance? If so, what was grievance? Were efforts made to improve situation?

21. QUIT – NO REASON

GIVEN

Was employee asked reason for quitting? Did employee refuse to give reason?

22. QUIT -NO RECORD OF REASON Was employee asked reason for quitting?

DISCHARGES

NOTE. In all discharge cases, state if employee protested discharge to either company or union.

23. ABSENTEEISM
Was employee absent without giving notice? If so, on what date(s)? Was employee warned? On what date(s)? Were there excessive excusable absences?

24. APPLICATION FALSIFIED
How was application falsified? Did it concern previous employment? Or reasons for termination? Failed to report conviction record?

25. BREACH OF COMPANY RULES
What was the breach? Is this known as such by employee? Was this the first infraction? If more, were warnings given? Who gave warnings, on what date(s)?

26. DISHONESTY
When and how was employee dishonest? Did employee make admission? Did

employee sign statement? Can dishonesty be proven? If not, was there any company loss?

27. DISCOURTESY

How was employee discourteous? Was it first instance or others? Date(s)? Had employee been warned? Who gave warning, on what date(s)?

28. DISRUPTING WORK

How did employee disrupt work? Was it first instance, or others? Date(s)? Had employee been warned? Who gave warning, on what date(s)?

29. IMMORALITY

When and how was an employee immoral? How were facts established? Did employee make admission? Date?

30. INSTRUCTION

FAILURE TO FOLLOW

When and what work was refused? Who issued the instruction(s)? Was this instance of refusal? Was it usual or unusual work? Did employee give reason for refusal?

31. DISRESPECT

How was employee disrespectful? Who was superior involved? Was this first instance or repeated? Had employee been warned? Who gave warning, on what date(s)?

32. INTOXICATION AT WORK

When and where did condition exist? Who and how was conclusion made? Had there been previous instances? Had employee been warned? Who gave warning, on what date(s)?

33. NEGLIGENCE

How had employee been negligent? Had there been previous instances? Could negligence cause harm to others? Had employee been warned? Who gave warning, on what date(s)?

34. POSSESSION OF COMPANY PROPERTY

What property did employee possess? When and where did it occur? Was it without authorization? Who discovered violation? How? Did employee make admission? Or reasonable justification?

35. PROCEDURE FAILURE

What procedure was not followed? Do employees know procedures? Was this a first instance, or repeated? Had employee been warned? Who gave warning, on what date(s)?

36. QUIT IN LIEU OF DISCHARGE

Did employee quit in lieu of discharge? Why was employee being discharged? Refer to reason for discharge. Had employee been warned?

Who gave warning, on what date(s)?

37. TIME CARD IRREGULARITIES

When and what were irregularities? Was this a first instance, or repeated? Had employee been warned? Who gave warning, on what date(s)?

38. WORK INEXPERIENCED

Was application misrepresented? Were training instructions followed? How did employee fail to perform? Was employee qualified for other work? What were job and pay rate? Did employee decline other job?

39. WORK

UNSATISFACTORY Were job duties explained to employee? How was work unsatisfactory? What was cause-inability or negligence? Had employee been warned? Who gave warning, on what date(s)?

(COMPANY NAME)

Employee Warning Notice

INSTRUCTIONS: The purpose of this form is to record verbal and written employee warnings. Please complete all applicable blanks; if this is a written warning, request that the employee complete the remarks section and sign below.

Type of warning:	<input type="checkbox"/> Verbal warning	<input type="checkbox"/> Written warning
Company Name	Supervisor's name	
Employee's Name	Social security number	
Date(s) of infraction	Dates of previous warnings for same infraction	

Nature of infraction -Please check one of the following:

<input type="checkbox"/>	Insubordination	<input type="checkbox"/>	Refusal to follow procedures
<input type="checkbox"/>	Safety rules	<input type="checkbox"/>	Violation of company policy
<input type="checkbox"/>	Tardiness	<input type="checkbox"/>	Other
<input type="checkbox"/>	Absenteeism	<input type="checkbox"/>	

Supervisor's Remarks - please give complete explanatory remarks regarding the infraction above.

Supervisor's signature-The supervisor completing this form should sign below.

Supervisor's signature	Date
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Employee's Remarks-Please check one of the boxes below and add any further clarifying comments.

☐ I agree with the statements above ☐ I disagree with the statements above

Employee's signature-Please read the statement below and sign

I have read and understand the nature of this warning and further understand that if this persists, it will result in further disciplinary action up to and including termination.

Employee's signature	I refuse to sign.	Date
Initial: _____		

Witness' Signatures (optional)--Please read the statement below and sign.

The above warning has been explained to this employee and he/she understands the seriousness.

Witness signature	Date
Print witness name	

NOTICE OF RESIGNATION

DATE: _____

TO: _____

This is to inform you that effective _____ I will resign my position

as _____

at _____

because: _____

NAME

(MAIL LAST CHECK TO)

Accepted by:

Date:

Employee Separation Report

Last Name _____ First Name _____ M.I. _____ Job Title: _____ Soc. Sec. No.: _____

Date of Hire: _____ Term Date: _____ Last Day Worked: _____ Rate of Pay: _____ Per: _____

REASON FOR SEPARATION

Voluntary Resignation	General	Discharge
<input type="checkbox"/> To look for other employment <input type="checkbox"/> To accept another position with _____ <input type="checkbox"/> Dissatisfaction with job / salary <input type="checkbox"/> Change in residence <input type="checkbox"/> Medical / Health reasons <input type="checkbox"/> Transportation problem <input type="checkbox"/> To attend school <input type="checkbox"/> Personal reasons (not job related) <input type="checkbox"/> Abandoned position (explain) <input type="checkbox"/> Failed to return from leave of abs. <input type="checkbox"/> <input type="checkbox"/> Other voluntary reason (explain) Refused to state reason	<input type="checkbox"/> Reorganize <input type="checkbox"/> Temporary / Seasonal work <input type="checkbox"/> Layoff / Lack of work <input type="checkbox"/> Health Reasons <input type="checkbox"/> Unable to meet job requirements <input type="checkbox"/> Not available for work <input type="checkbox"/> Other (specify) _____ _____ _____ Give complete details regarding reason for quit or final incident if a discharge: _____ _____ _____ _____	Give Detailed Explanation Below <input type="checkbox"/> Insubordination <input type="checkbox"/> Refusal to follow instructions <input type="checkbox"/> Falsification of applications or records <input type="checkbox"/> Absenteeism / Tardiness <input type="checkbox"/> Intoxication (alcohol / drugs) <input type="checkbox"/> Violated established company rule <input type="checkbox"/> Dishonesty <input type="checkbox"/> Other misconduct (specify) _____ Dates of prior disciplinary action Related to this separation: _____ _____
<div style="text-align: right; margin-bottom: 10px;"> Yes No </div> Was leave of absence requested? <input type="checkbox"/> <input type="checkbox"/> Was leave available? <input type="checkbox"/> <input type="checkbox"/> Was leave granted?	For _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Company/Location Signature </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Date: _____ Phone: _____ Title or Position _____ </div> I have read, understand and acknowledge receipt of a copy of this document. <div style="text-align: right; margin-top: 10px;"> <input type="checkbox"/> <input type="checkbox"/> </div>	

ELIGIBLE FOR REHIRE: YES NO

Date:

Employee Signature

Employee refused to sign.

Employee unavailable for signature, copy mailed.

(COMPANY NAME)

EXIT INTERVIEW

INSTRUCTIONS: The following information is requested of all employees as they leave our employ. We would like your candid opinion about what it has been like to work here. This is our report card. There is no obligation for you to answer the questions, but we would appreciate it. The information you provide will be reviewed and used for organizational development purposes. All information is tabulated from time to time so that we can monitor our performance based on all existing employees' opinions.

Please indicate your answers to the following questions by checking the box that most closely approximates your overall opinion.

KEY: A-Always S-Sometimes SI-Seldom N-Never	A	S	SI	N
1. Did you understand company policies and the reasons for them?				
2. Do you feel that you have had the support of management on the job?				
3. Were you adequately trained for your job?				
4. Were you paid adequately for the work you did?				
5. Were the working conditions conducive to doing an efficient job?				
6. Was the amount of work required of you reasonable?				
7. Was the amount of overtime required reasonable?				
8. Do you feel that management cared about and listened to your concerns?				
9. Were your skills and abilities properly utilized?				
10. Were you encouraged to learn and acquire more skills?				
11. Were you given the opportunity to advance or transfer to more desirable work?				
12. Did your immediate supervisor recognize your contributions?				
13. Could you have been delegated more responsibility?				
14. Were performance appraisals you received timely? Meaningful? (Did your supervisor and you really discuss strengths, weaknesses and ways to progress?) Fair?				
15. Were you hesitant to talk to Personnel or any other member of management other than your immediate supervisor?				
16. Did you find your work rewarding?				
17. Do you feel that there was favoritism shown in the work place?				
18. Do you feel your immediate supervisor was effective in his/her job?				
19. Are you aware of any incidents of theft of company property?				
20. Do the company benefit plans provide you real value?				
Overall, as a place to work, I would rate the company as: Excellent_____ Good_____ Fair_____ Poor_____				
Please add any further comments you desire (please use the other side if more space is needed).				

Employee's signature _____

Date ____/____/____

Print Name _____

New Hire Documents Check off List



Employee Name: _____

<u>Documents</u>	<u>Employee Initials</u>	<u>Co. Rep</u>
Application/Resume	_____	_____
Handbook/ Handbook Acknowledgement	_____	_____
At Will Statement	_____	_____
Emergency Notification Form	_____	_____
Personal Physician Designation Form	_____	_____
Workers Compensation Information For Employee's	_____	_____
1-9 Form/Instruction Sheet	_____	_____
W -4/ Federal Withholding	_____	_____
DE-4/ State Withholding	_____	_____
Sexual Harassment Brochure Company Policy Information	_____	_____
State Disability/Unemployment Insurance Booklet	_____	_____

Separation Checklist

INSTRUCTIONS: Each of the items below (as applicable) must be returned or completed upon separation. Coordinate with the supervisor to ascertain all items that must be returned or may have already been returned. Be sure you are prepared for the Exit Interview with the final pay (where state laws require) and all necessary forms.

Name of the Employee:	Separation Date:
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Return		Personnel Provides	
Company tools		Final Pay	
ID Badge		Exit interview	
Key to premises		Expense report forms	
Credit Cards		COBRA/State election notice	
Key to desk/files		COBRA/State election notice mailed home	
Company car		Benefit conversion forms	
Customer lists		Updated Consent to Release Information form	
Catalog/Sales items		Recorded on HRIS Spreadsheet?	
Sample products		OTHER	
Company documents			
Prescription drug card			
Employee handbook			
OTHER			

(COMPANY NAME)

SUPERVISOR'S LOG

Employee: _____

DATE:

INCIDENT

[illegible]

(COMPANY NAME)

NOTES:

[illegible]