



HR Essentials for Supervisors & Managers Documentation & Recordkeeping

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Topics for Discussion



- Your role and responsibilities as supervisor
- Tips for effective documentation with regard to:
 - Performance management and counseling
 - Violation of safety rules
 - Attendance
 - Harassment and discrimination
- Hours worked and overtime

Understand Your Role and Responsibilities



- Set boundaries
 - Take a balanced approach between being a supervisor and a friend
- You may be considered an “agent” of the Company
 - Things you say and do can bind the company
- You are responsible for enforcement of the Company policies
 - Know and understand them
- Work with HR

Lead by Example



Remember Your Goals

- Accurately assess employees' job performance
- Inform employee of and document poor performance and violation of work rules
- Improve performance
- Limit legal liability



Communication is the Key



- Set clear goals and objectives for employees
 - Evaluate and update job descriptions
 - Define essential functions of positions
- Review work rules with employees
 - Consistent enforcement
- Communication is a two-way street

The Secret Diary



**If it's important enough to write down,
it's important enough to discuss**

Use Progressive Discipline



- Verbal warning/counseling
- Written warning
- Performance improvement plan
- Suspension
- Termination

Counseling



- Is union rep required to attend?
- Create talking points
- Schedule an appointment
- Explain purpose
- Based on purpose, consider:
 - Asking questions
 - Engaging in a dialogue, not lecture
 - Suggesting improvements
- Be prepared for negative reactions
- Following up in writing?

Importance of Effective Documentation

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- Memorializes counseling
 - Informs employee of a problem and how to correct it
 - Forces you to (re)consider reasons for disciplinary action or investigation
 - If problem is not corrected, demonstrates your efforts to correct the problem and may limit liability

Documentation



- Counsel, document or both?
- Who is responsible for documentation?
- When should documentation begin?
- What form should documentation take?
- How long should documentation be kept?
- Are internal supervisor notes enough?
 - Must such notes be included in personnel file?



A picture is worth a thousand
words.... so is a document!

Therefore, think before you write!

Preparing Effective Documentation

- Clearly state what you know - “FOF” (focus on the facts)
 - Who was involved (witnesses)?
 - What happened?
 - Where did it happen?
 - When did it happen?



Preparing Effective Documentation

- Don't draw sweeping conclusions
 - “I have had enough of her drama!”
 - “His bad attitude has a negative effect on everyone.”
- Don't memorialize liability
- Instead, explain the facts to support these conclusions
 - “She slammed the door to my office as she left.”
 - “Two office assistants have expressed concern about working with him.”



Preparing Effective Documentation



- Identify the problem
 - Violation of rule or policy
 - Performance standard not being met
- Identify how the employee can resolve the problem
- Identify actions that you have and will take if the problem is not resolved
- Reiterate performance expectations
- Date it, sign it, and follow-up

Connecticut Personnel Files Act



- Provide any documentation of disciplinary action to the employee within one business day
- Immediately provide an employee with a copy of any notice concerning termination
- Include clear statement in any documented disciplinary action, notice of termination or performance evaluation that the employee may submit a written statement explaining his or her position (to be included in personnel file)

Key Areas Requiring Good Documentation

- Violations of safety rules
- Attendance
- Harassment and discrimination
- Hours worked and overtime



Violations of Safety Rules



- Not just a performance issue!
- Prepare and maintain safety training records
- Violations must be immediately addressed....and documented!
- Promptly investigate injuries
- Injuries may result in reporting obligations
- Inform management!

Attendance Issues



- Understand the Company's Policies
 - Attendance and punctuality
 - Remain at work station during work time
 - Paid time off
 - Personal leave
 - Short term disability
 - Long term disability



Attendance Issues – Understand the Legal Landscape



- Family and Medical Leave Acts
 - Federal and State
- Pregnancy Discrimination
- Disability Discrimination
 - Americans with Disabilities Act
 - Connecticut Fair Employment Practices Act
- Workers' Compensation Act
- CT Paid Sick Leave

Harassment and Discrimination



Protected Classes



- Race
- Color
- Religious creed
- Age
- Sex
- Pregnancy
- Marital status
- National origin
- Genetic information
- Ancestry
- Past or present history of mental disorder
- Mental retardation
- Learning disability
- Physical disability (including blindness)
- Sexual orientation
- Gender identity or expression

With Knowledge Comes Obligations



Once an employer has knowledge (constructive or actual) of possible discrimination or harassment, it has an obligation to promptly investigate and remedy the situation

Documenting Investigations

- 
- Identify basis for investigation
 - Just the facts!
 - Obtain relevant documents
 - Date, time and location of interviews
 - Put key statements in quotes
 - May read notes back to the employee
 - May ask witnesses to provide statements
 - Make sure notes are legible
 - Assume all documents are discoverable!
 - Prepare investigation report

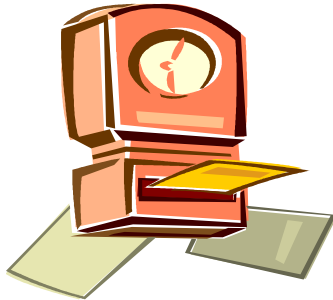
Working Time & Recordkeeping

- Employer obligation to maintain true and accurate records
- Record time to nearest 15 minutes



Permissible Systems

- Time cards
- Time sheets
- Punch clock
- Electronic time keeping systems



Two Fundamental Concepts



- (1) Employees must be paid minimum wage for each hour worked; and
- (2) Employees must be paid at least 1.5 times their regular rate of pay for any time worked in excess of 40 hours in a given week

What are “Hours Worked”?



- Federal law defines “employ” to include “to suffer or permit to work”
- Connecticut law defines “hours worked” to include “all time during which an employee is required by the employer to be on the employer’s premises or to be on duty...and all time during which an employee is employed or permitted to work, whether or not required to do so”

Failure to Pay a Few Minutes a Day Can Lead to Millions in Back Pay



- Schneider National Carriers Inc. pays \$28 million to settle lawsuit brought by truck drivers alleging they were not given adequate rest periods (2015)
- Walgreen's pays \$23 million to settle lawsuit alleging denial of overtime for mandatory security checks and working through meal breaks (2014)
- Dell settles “off-the-clock” collective action involving 1,406 call center employees (2009)



Examples of Work Time That May be Compensable



- Travel time
- On-call time
- Training, lecture and meetings
- Off the clock work
 - Unauthorized work performed with the knowledge and acquiescence of management
 - Time spent reviewing and responding to electronic mail and voice mail
- Preliminary and postliminary activity
- Meal breaks if employee is not completely relieved of duty

Thank you!



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