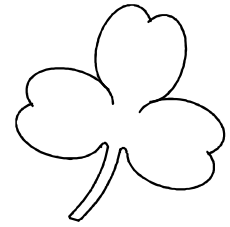




*Happy St. Patrick's Day*

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## *"Tip of the Month"*

### **Employers - Protect Yourselves with Records**

Your employees are "at will." Their employment can be terminated at any time for any reason or no reason. You have plenty of good reason for terminating one particular employee – we will call him Joe. Joe has no apparent initiative or motivation. He wastes time. He makes a poor appearance to your customers. And Joe is insubordinate. You decide to let him go.

A month later, you get a copy of Joe's complaint to the Human Rights Commission. Joe complains that his supervisor or his co-workers were "harassing" him about his religion, or his race, or his accent and national origin, or his disability. Whether or not you, the owner of the company, knew about Joe's complaints before, Joe is now complaining that you fired him in retaliation for complaining about the harassment.

Looking back through your memory, you see no connection between Joe's termination and his claim about harassment. At best, there is an unfortunate coincidence of timing. Your decision to terminate Joe for business reasons approximately coincides with Joe's claimed examples of harassment or reporting of harassment. Unfortunately, there is nothing in your records, or in Joe's personnel file that reflects any of the trouble you have had with Joe's performance and attitude on the job. These records would have been very helpful at any hearing or investigation. What could you have done?

Generally, it is good management policy to document employee performance. This does not take much time. If an employee is late, sloppy or insubordinate, you can meet briefly with the employee to discuss the problem. If needed, you can include the foreman or supervisor in the meeting. Write up a brief summary of the discussion, including the date. If you want, you can have the employee sign the summary. Be sure to give a copy of it to the employee. This kind of summary need not be only for things done wrong. It can also apply to good performance.

Keeping employee records is not just for covering your backside in wrongful termination claims. If done properly, it can also help improve productivity and moral. Most employees prefer to know where they stand, and what they have to do. This could be a good chance to learn of any employee complaints and to deal with them appropriately.

If you would like to discuss various ways to setup a recordkeeping program suitable for your company, please call us at (603) 668-1917 or contact us through the Internet at *Meslaw @ aol.com* to schedule an appointment.

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