



## DEAR HRK

# I need to draft a written warning to one of our employees. How should I word it?

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A well-crafted warning can be tricky, but the bottom line is you should stick to the facts. Focus on specific misconduct/infraction/incident information — the who, what, when, where, and how.

There are many reasons to issue a letter of warning; typical problems we hear about are inconsistent attendance, unsuitable dress, not following a set company processes and procedures, or inappropriate treatment of coworkers.

### **Stick to the FACTS.**

The devil is in the details when it comes to written warnings and performance improvement plans (PIPs). We suggest using the FACTS method. Ensure your written warnings and PIP's are: **F**air, **A**ppropriate, **C**ommunicated, **T**imely, and **S**pecific.

1. **F**air: Does the discipline align with your policies and practices?
2. **A**ppropriate: Is the response equal to the offense?
3. **C**ommunicated: Is the conversation in writing and has it been acknowledged by the employee?
4. **T**imely: The discussion and related documentation should transpire as soon as is practical; delay defeats the purpose.
5. **S**pecific: Must detail events and consequences.

Start with the date of the warning and the employee's name followed by your name and title as the employee's direct supervisor/the person issuing the disciplinary notice. The level or type of discipline

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(i.e., written warning or PIP) comes next, followed by a detailed description of the incident or incidents, including the date of occurrence(s). Include any previous warnings or PIPs, particularly if they were recent and/or similar in nature to the topic of the current letter. Name the specific policy or procedure that was violated, as well as the expected results with dates, for example, "improved attendance is expected immediately."

In some cases, it can be a good practice to attach documents that pertain to the infraction — such as emails that describe the incident, client complaints, etc. — but as a general rule, it's enough to relate the essential facts and conclusions in the letter and maintain any supporting evidence documents as part of the employee's investigatory file. Be as specific as possible with dates. For example, "John has consistently been missing work. This was discussed in person on [insert date] and he agreed that he would come to work on a consistent basis moving forward. A full list of dates that John has either missed work, left early, or arrived late is attached to this letter. In total, this represents [X] days out of the office this year."

In addition to presenting the facts, a written warning can also contain a narrative about how this behavior impacts the organization and the employee's co-workers, clients, etc.; this not only strengthens your call to action but also makes the employee aware of how their behavior has affected the business or team.

A written warning should also include a statement about "further disciplinary action" to emphasize the gravity of the situation and place the employee on notice about potential consequences if improvement isn't made. A statement such as "further violations of company policy will result in disciplinary action, up to and including termination" can be very effective. For example, "If John continues to have unexcused absences, within the next 30 days, and is unable to provide a medical note for those absences, further disciplinary action may be taken, up to and including termination."

We've covered what should be in a written warning, but what about exclusions? Be careful not to discipline employees for taking available sick time or for reasons that may be covered under the Americans with Disabilities Act (ADA) or other state or federal protected time off. In other words, be cautious when dealing with issues that may be entering into a protected action. For the example above, you could acknowledge that John may need to take sick time, but that he is "required to provide the Company with a medical notice from a health care provider indicating any period of partial or total incapacity to perform the job. The Company is ready to engage in the interactive process to determine if time away from work is needed for any type of disability depending on the reasons or issues."

If the employee in question is unionized, you must be aware of the collective bargaining agreement regarding disciplinary procedural requirements.

When all is said and done, make sure you do exactly what you stated in the letter; if you warned the

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employee about future disciplinary action if their behavior doesn't improve, then take that action. After all, you want to make the warning letter worth the paper it's written on.

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