

Preparing for a Discrimination Claim

What ***YOU*** Need to Know and Do

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STUDIO GROUP, LLC

Advance Preparation Documents You Need

- Employee handbook and department policies, safety manual and/or safety policies, OSHA logs
- Complete employee personnel files for each employee including a confidential medical file for each applicable employee
- Organizational chart
- Qualifications, experience, certifications of decision makers

Advance Preparation

- Employee personnel file audit for every employee
- Clear employment chronology for every employee
 - Date of hire
 - Paperwork documenting wage adjustments
 - Paperwork documenting promotions, demotions, transfers, leaves, date of separation
 - Copy of exit interview
 - Copies of all disciplinary actions
 - Copies of all performance evaluations
 - Copies of any union or in-house grievances or complaints
 - Copies of results of all investigations and decisions made regarding grievances

Advance Preparation

- Clear termination process that is consistently followed and written rationale whenever it is not followed
- Consistently document performance behaviors that violate policies
- Keep records of customer, client, and co-worker complaints for all employees
- Develop an internal complaint process to address work-related complaints and include two complaint paths
- Be able to always explain the rationale for a termination decision

Advance Preparation

- Provide supervisors and managers with basic management training and be able to document that training occurred, who provided the training, and qualifications
- Provide employees, supervisors and managers with prevention of sexual harassment training and be able to document who provided the training and the qualifications of each trainer
- Be able to explain how employees are notified of your anti-discrimination and retaliation policies—posters, annual notices, training, orientation, other
- Understand that internal communications between supervisors and decision makers is discoverable
- Understand that all information provided regarding unemployment claims is discoverable

Templates You Need

Performance Management

Performance Evaluation Form	Verbal Warning
Self Evaluation Form	Written Warning
Performance Improvement Plan	Final Warning/Last Chance Agreement

Documents You Need

Mandated/Best Practices Documentation

VDT Memo	VDT Training Worksheet
Rest Break Waiver	Employee Policy Manual Receipt
Prohibition of Sexual Harassment Annual Notification Memo	Property/Equipment Receipt

Documents You Need

Termination Forms

Employment Termination Checklist	Employment Termination Memo
Authorization for Reference Release	Exit Interview Questionnaire
Property Receipt Sign Off	Severance Agreement (if applicable)

Good Documentation Practices

Document your practices and employment history

- Personnel forms
- Payroll forms
- Records of time worked
- Benefits forms
- Confidential Medical Documentation

*If it's not in writing, it doesn't exist!
If it IS in writing, it's discoverable!*

Deb Whitworth



Bio

Deb Whitworth, SPHR, SHRM-SCP is Owner and CEO of HR Studio Group, LLC. In 30 years of human resources management and leadership experience, she has helped a variety of nonprofit and for-profit services and industries build and maintain compliant cultures of excellence. Deb was appointed by the Governor of Maine as Commissioner with the Maine Human Rights Commission in 2011 to complete an unexpired term and reappointed to fill a full-five year term in 2012. An outspoken advocate for disability rights, she was pleased to be elected in 2015 to the board of The Cromwell Center for Disabilities Awareness. Named the Maine HR Leader of the Year in 2012, Deb is a frequent presenter on human resources and compliance topics at conferences and business functions, she is also an instructor in the HR Certificate Program at University of Southern Maine, Adjunct Faculty at Thomas College and a guest lecturer at University of New England. Deb leads the SHRM-SCP/SHRM-CP Certification Preparatory Course at University of Southern Maine.