# Three Costly Mistakes That Could be Lurking in Your Documentation

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In the article, "Three Costly Mistakes That Could be Lurking in Your Documentation," featured on *HR Morning,* employment law attorneys shared some of the most expensive mistakes they've spotted in employers' documentation.

Kevin Troutman said, "When documenting employee conduct, managers should avoid using legal characterizations."

**An example of harmful language:** "Mike sexually harassed Beth." This is troublesome because it's an objective characterization that could be viewed in court as an admission the harassment occurred and the employer failed to stop it when it should have. In other words, it may create liability for the employer.

**What's better?** Record specific details regarding what an employee did or didn't do — like, "Cheryl said she saw Mike rubbing Beth's leg under the table at Tuesday's meeting."

In addition, using general labels for employees could have a damaging effect if they're interpreted (by an employee-side attorney, a judge or a jury) as being used to cover up for bias.

Examples:

- "He doesn't fit in." *(This could be code for the person is different because of race, age or gender.)*
- "She's not a team player." *(This could be cover for a person who takes intermittent leave for an illness.)*

Make sure managers avoid labels like these and stick to specific examples of employees' behavior.

To read the full article, please visit *HR Morning*.

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