

## Duff on Hospitality Law

# Documentation as a Tool, Not a Chore

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Managing a business is hard. Managing a hospitality business is even harder. You try to have your employees understand that top notch customer service is the be all and end all of your business. They are your reputation. They are your “face.” But, there is always that one employee...

Reality shows that use mystery diners or guests to demonstrate how the bad employee can drag down the entire business may be entertaining for the public, but are nightmares for hospitality managers. It is easy to do the immediate firing when the mystery diners have the bad behavior on film, but that rarely happens in the real world. So, how do you manage the employee who is causing you endless headaches? Set expectations, respond consistently and document your efforts to change the bad behavior.

These three concepts are not new. It is very easy to get busy and push documenting issues to the back burner. But in the context of a lawsuit or labor arbitration, “if it isn’t documented, it didn’t happen.” Before you start documenting, however, you need to make sure your rules and expectations have been clearly communicated to your employees. Generally, this is done through a policy handbook or a collective bargaining agreement.

You can also set expectations by training. You want to make sure that your employees understand how you expect them to respond to situations and how you expect them to handle themselves. Another way to make sure your employees meet your expectations is to lead by example. If you are not managing and conducting yourself at the same standards you expect from your employees, then they have no motivation to try and meet those standards.

The key to discipline, whether guided by a handbook or a collective bargaining agreement, is that it is applied consistently and it is documented. Documentation is the first defense in any claim that you treated an employee unfairly. Documentation doesn’t have to be the next great American novel. It just needs to explain what action was inappropriate, why it is unacceptable and what needs to change. It also should tell the employee what the discipline is going to be. You may also want to warn them what will happen if the behavior is repeated. The documentation should be done at the time, not later when it is convenient. The employee should be shown the document and asked to acknowledge that he or she received it. If the employee refuses to acknowledge receipt, the refusal should be noted on the document. A refusal to acknowledge does not invalidate the discipline, so long as it is noted that the discipline has been discussed with the employee so that the employee understands the

expectations going forward.

Set expectations, enforce them consistently and document any discipline. That is the secret to addressing those employees who might otherwise cause your hotel or restaurant to be featured in the next installment of the mystery customer program.

**Tags:** collective bargaining agreement, discipline, labor & employment, policy handbook