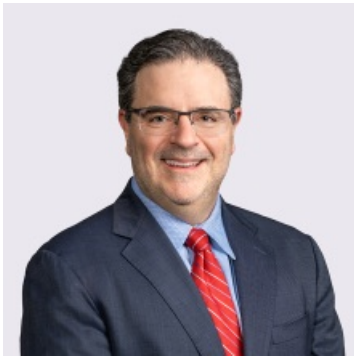


How to Lower Risk by Cutting Harmful Company Documents

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While company documents are necessary, some can expose a company to liability and other harms. Knowing how to identify and cut the harmful ones may help a company lower corporate risks.

Here are three ways a company can assess the state of its documents and correct any issues.

1. Dishonest Documents

A dishonest document may be a written job description that does not accurately reflect what the person in the position actually does daily. Another example may be an employee performance evaluation that does not honestly reflect the employee's performance.

Such documents can expose a company to legal liability and produce disengaged employees and costly, operational disruptions.

In one case, the plaintiff successfully avoided summary judgment on his claim by arguing that a workplace policy did not actually require what it said it required.

Companies can replace dishonest documents with up-to-date and accurate papers that are reviewed at least annually.

2. Misunderstood Documents

Documents may be misunderstood easily for many reasons, such as because of poor draftsmanship. For example, a vacation pay policy may require employees to come to work the day before and/or after a scheduled holiday to qualify for the benefit. Does it specify whether employees must work their *entire* scheduled shifts before or after the holiday? Or will showing up for five minutes do? How about leaving five minutes early? Even with a supervisor's verbal permission?

Even the most trivial-seeming of misunderstandings can lead to a multimillion-dollar dispute. In one case, the lack of an Oxford comma reportedly cost a dairy \$5 million.

Although misunderstandings cannot be completely eradicated, they can be managed effectively by proper onboarding, using plain language in written policies, open and honest dialogue, and employing instructive examples in explaining how policies are to be implemented. Annual updates or refreshers, or as needed when misunderstandings arise, can go a long way to lower the risks.

3. Disorganized Documents

Construction industry employers are particularly vulnerable to disorganization because of the volume and variety of documents they need to track and maintain meticulously to avoid costly disruptions: contracts, project documents, change orders, personnel documents, and transactional paperwork. Add to that the challenge of having multiple

jobsites and a host of unpredictable variables (*e.g.*, weather) and document due diligence may suffer.

Having an effective and reliable document management system helps a company solidify its corporate structure, understand its contractual obligations, track project deadlines and costs, and effectively manage its workforce. Proper document management also can protect a company from litigation. Employers have been able to successfully rely on their documentation of employees' misconduct and performance problems in unlawful discharge cases.

Companies can develop a document management system to track and maintain all of their important documents and train appropriate personnel on effective document creation and retention. Work with trusted labor and employment attorneys with construction industry experience for guidance.

Please contact your Jackson Lewis attorney to discuss your specific organizational needs.

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