

The Importance of Documentation During Extraordinary Times

The work world during the COVID-19 pandemic has been changing at an astounding pace. As change has occurred, your organization has been making out-of-the-ordinary decisions. This communication is a reminder that it is important to appropriately document the decisions you have made and the rationale for them. When this crisis is over and work returns to a new normal, it may be difficult to remember the daily decisions made during these stressful times.

Here are some examples of the types of decisions that should be documented:

- Did you furlough or layoff some employees? If so, why? How was the decision made as to who to furlough or layoff? What was communicated to employees?
- If employees are still working, what have you communicated to them regarding workplace safety? What measures has your organization taken to ensure local and state health department guidance is being followed?
- If an employee tested positive for COVID-19 or is in quarantine with a suspected infection and the employee was in the workplace while potentially infectious, what actions did you take to notify other employees? If your actions were based on guidance from health authorities, what did that guidance say? What follow-up communications did you make?
- If business functions such as payroll, retirement contributions, expense reimbursement processing, etc. have been slowed or otherwise impacted, how has this been documented and communicated?
- What has been communicated to employees who are working remotely about their own obligation to document decisions they have been making or work they have been doing?
- If you cannot perform under a contract due to COVID-19, what have you communicated to the counterparty? What mitigation steps should either party take?
- Similarly, if a counterparty cannot perform under a contract due to COVID-19, such as a supplier in your supply chain, what have you communicated to the counterparty regarding the breach?
- There will be other actions taken by your organization where documentation is important, but the questions above should get you started in thinking through where documentation may be important.

It is ideal to document contemporaneously with the action. But that's not always possible. If you are already having trouble remembering what you have already done that might need to be documented, go through emails, texts, website postings and telephone calls to identify the information you want to maintain, and incorporate that content into a document that can be kept.

Having a written history of your out-of-the-ordinary workplace actions and decisions will help ensure you remember what decisions were made during this unprecedented period. Good documentation will also create a history of what your organization faced that will help improve your emergency preparedness plan for the future.

If you have any questions about this Information Memo, please contact [Gail Norris](#) or the attorney in the firm with whom you are regularly in contact.



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