



Retaliation Risk Map

Map the timeline between protected activity and adverse action before a decision looks like retaliation — because timing is the evidence.

WHAT THIS HELPS YOU DO

Use this map before taking any adverse action against an employee with recent protected activity, to assess timing, decision-maker knowledge, and evidence strength — and to rate the retaliation risk honestly before acting.

WHEN TO USE THIS DOCUMENT

- Before disciplining or terminating anyone who recently complained, reported an injury, or took leave
- When a supervisor's frustration with an employee began after a complaint
- Before cutting hours, changing schedules, or reassigning a recent complainant
- After an investigation closes and someone asks 'can we deal with them now?'
- When reviewing a proposed action flagged by the Termination Risk Review Worksheet

WHAT THIS DOCUMENT HELPS PREVENT

- Retaliation claims — the most common charge filed with the EEOC
- Adverse actions whose only real evidence is proximity to a complaint
- Decision-makers acting on knowledge they should never have had
- 'Paper trails' that started the day after the employee complained
- Escalation of a resolved complaint into a second, stronger claim

Faulkner HR Solutions focuses on the system behind the people problem. This tool is designed to help employers slow down the decision, identify the risk, and create proof before the issue becomes a claim, complaint, turnover event, or credibility problem.

BEFORE YOU START: READINESS CHECKLIST

Gather the following before working through this document. Incomplete inputs are one of the most common reasons employer decisions fail under later scrutiny.

Have it	Input	Notes / location
<input type="checkbox"/>	Employee name and role	
<input type="checkbox"/>	Date of incident, request, or separation	



Have it	Input	Notes / location
<input type="checkbox"/>	Supervisor involved	
<input type="checkbox"/>	Policy or handbook section that applies	
<input type="checkbox"/>	Prior documentation on file	
<input type="checkbox"/>	Pay records, if applicable	
<input type="checkbox"/>	Relevant emails, texts, notes, or complaints	
<input type="checkbox"/>	Decision-maker name	
<input type="checkbox"/>	Deadline, if applicable	



RETALIATION RISK MAP

Retaliation is proven by sequence: protected activity, employer knowledge, adverse action, and a connection between them. This map examines each link honestly — before a claimant's lawyer does.

Part 1 — Protected Activity History

List every instance of protected activity in the last 18 months, however informal. A hallway complaint to a shift lead counts.

Date	Protected activity (complaint, injury report, leave, wage concern, testimony)	Raised to whom	Documented where

Part 2 — Proposed Adverse Action

Action being considered (termination, discipline, demotion, schedule cut, transfer)	
Business reason for the action	
Person recommending the action	
Person who will make the final decision	
Proposed effective date	

Part 3 — Timing Analysis

Date of most recent protected activity	
Date performance/conduct concerns were FIRST documented	
Days between protected activity and proposed action	
Did documented concerns exist BEFORE the protected activity? (cite documents)	
What changed between the protected activity and now?	



Part 4 — Decision-Maker Knowledge

Yes?	Knowledge question	Details
<input type="checkbox"/>	Does the decision-maker know about the protected activity?	
<input type="checkbox"/>	Was the decision-maker involved in, or criticized by, the complaint?	
<input type="checkbox"/>	Did anyone involved in the complaint suggest or influence this action?	
<input type="checkbox"/>	Has the decision-maker made comments about the complaint, the leave, or the claim?	
<input type="checkbox"/>	Could the decision be made instead by someone without knowledge of the protected activity?	

Part 5 — Adverse Action Review

True	Evidence strength check	Cite the proof
<input type="checkbox"/>	The business reason is supported by documents created before the protected activity	
<input type="checkbox"/>	Similar employees without protected activity received the same treatment for the same issue	
<input type="checkbox"/>	The policy being enforced has been enforced consistently before	
<input type="checkbox"/>	The action follows the normal progression of your discipline process	
<input type="checkbox"/>	The file would make sense to an outsider who never saw the complaint	

Part 6 — Risk Level

Risk level	Typical profile	Mark one
LOW	Concerns documented long before protected activity; consistent treatment; decision-maker insulated; normal process followed	
MODERATE	Some prior documentation but gaps; short timeline; decision-maker knows of the activity; consistency uneven	
HIGH	First documentation appears after the complaint; action within weeks of protected activity; decision-maker involved in the complaint; treatment differs from comparators	

Part 7 — Mitigation Plan

If risk is moderate or high: what will you change — the timing, the decision-maker, the action itself, or the documentation — before proceeding?



Role	Name / signature	Date
Assessed by		
Reviewed by (HR / counsel)		
Decision authority		

STOP AND REVIEW BEFORE ACTING

If any statement below is true, pause. Get the decision reviewed by HR, counsel, or Faulkner HR Solutions before you act.

- The employee recently complained about pay, harassment, discrimination, safety, leave, or retaliation.
- The supervisor has no prior documentation.
- The decision is inconsistent with how similar cases were handled.
- The employee is on, or recently requested, protected leave.
- The issue involves pay, deductions, final wages, medical information, disability, pregnancy, injury, or protected activity.
- The decision will be visible to a board, council, funder, auditor, plaintiff attorney, or agency.

MINIMUM DOCUMENTATION STANDARD

Before this file is closed, the employer should be able to answer every question below and point to where the proof lives.

Question	Your answer / where the proof is stored
What happened?	
When did it happen?	
Who observed or reported it?	



Question	Your answer / where the proof is stored
What policy, standard, deadline, or expectation applies?	
What decision was made?	
Who had authority to make the decision?	
What alternatives were considered?	
What risk was reviewed?	
What follow-up is required?	
Where is the proof stored?	

COMMON MISTAKES

1. Assuming a weak underlying complaint means a weak retaliation claim — retaliation stands on its own.
2. Starting the paper trail the day after the complaint and expecting no one to notice the date stamps.
3. Letting the person criticized in the complaint recommend the punishment.
4. Treating 'we were going to fire them anyway' as a defense without documents that predate the complaint.
5. Ignoring small adverse actions — schedule cuts, exclusion from meetings, sudden micro-management — that build a pattern.
6. Rushing the action to 'get it over with' when time and documentation are what lower the risk.

WHAT TO DO NEXT

File the completed map with the decision record. If risk is low, proceed with normal documentation and consistent process. If moderate or high, execute the mitigation plan first — change the decision-maker, strengthen the record, or adjust the action — and have the final decision reviewed before anything is communicated.

Before you terminate, deduct, discipline, classify, or respond, get the decision reviewed.

Call 210.446.8730 or email thomas@faulknerhrsolutions.info.



Before you process payroll, terminate, classify, deduct, or respond to a claim, get the decision reviewed.

Need help applying this to a real workplace decision?

Faulkner HR Solutions helps Texas employers, nonprofits, municipalities, and growing businesses fix the people systems behind recurring workplace problems.

If this document raised a risk flag, do not guess your way through the next step.

Call: 210.446.8730

Email: thomas@faulknerhrsolutions.info

Website: faulknerhrsolutions.info

DISCLAIMER

This resource is provided for general employer education and planning purposes. It is not legal advice and does not create an attorney-client relationship. Employment laws, agency guidance, and local requirements may change. Employers should review the facts of each situation before acting and consult appropriate HR or legal counsel when needed.