

# Prepare for Termination: A Guide for Employers

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## Before Terminating an Employee

- **Effective Employee Management:** A successful employee management policy is built on a strong foundation with clear expectations, a comprehensive employee handbook, precise job descriptions, and consistent performance evaluations.
  - **Review Procedures & Job Descriptions:** Ensure equitable treatment by consistently following company policies and using job descriptions to guide performance issue resolution.
  - **Determine Rights & Obligations:** Review all documentation outlining both employer rights (e.g., protecting confidential information) and employee rights (e.g., health insurance, pension, wage payouts, accrued vacation, and incentives).
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## Document Performance Issues & Termination Activities

A robust "paper trail" is vital. Establish clear procedures for documenting performance issues, disciplinary actions, and terminations, keeping all records in employee files.

- **Performance Issue Documentation:** To supplement routine evaluations, address concerns as they arise. Example:
    - **Initial Discussion:** Clearly communicate concerns and expectations; document for file.
    - **Follow-Up Discussion:** Address continued issues and potential consequences; document and obtain employee signature.
    - **Performance Improvement Plan (PIP):** Implement a formal plan with defined objectives.
    - **Termination:** Proceed if PIP expectations are not met.
  - **Performance Inadequacies:** For valid cause for dismissal, performance reviews must clearly document inadequacies. Categorize performance (e.g., Exceeds, Meets, Needs Improvement, Underperforms) and use language consistent with job descriptions and the employee handbook.
  - **Discipline Concerns:** All disciplinary decisions need to be in writing. Collect relevant policies, communications, and evidence of violations, including handbook excerpts.
  - **Performance Improvement Plan (PIP):** Detail poor performance examples (using handbook/job description language), expectations, improvement methods, consequences, available support, and monitoring.
  - **Immediate Dismissal:** Certain policy violations warrant immediate termination. Develop clear, detailed guidelines for such offenses and establish exit strategies that ensure a professional and expedited departure.
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## The Termination Meeting

- **Coordinate & Prepare:** Work with legal, HR, and other departments to craft a clear message. Practice talking points and mock exit interviews. Communicate decisions quickly.
  - **Relevant Documentation:** Present a severance agreement (if applicable), a letter outlining post-employment obligations, and a termination letter.
  - **Exercise Caution:** Avoid dismissive or flippant responses. Provide information for unemployment, COBRA, EAPs, and job placement services to support an amicable departure.
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### Important Note

*This checklist offers a foundational guideline for developing your firm's termination policies. Remember to customize it to fit your specific needs and situation.*