

A Termination Checklist

You have a range of issues to consider before you fire an employee, and many of them are legal. This checklist is not comprehensive, but offers some questions to ask yourself when you're making a decision about termination.

Keeping a poorly performing employee is risky for your business. However, firing comes with its own risks, even if you can justify the termination. If possible, employment termination should be a last resort and should come after repeated, documented efforts to help a worker succeed.

Being careful and deliberate about firing will protect your company from discrimination-related lawsuits and other legal trouble, and will teach your staff that you value each worker.

- Are your termination policies listed in your company's employee handbook?
- Did the employee receive and read the handbook prior to your decision to fire him or her?
- Have you updated your staff members each time you have made policy changes in the handbook?
- Have you documented your verbal warnings to the employee over time?
- Does the employee's file contain written complaints or concerns from other workers?
- Do you have one or more written reprimands in the employee's file?
- Have you set improvement goals with the employee, if the problem is work performance?
- Have you given the employee adequate time to improve his or her performance?
- Have you asked another manager or the store owner for advice about the situation?
- Will the termination come as a surprise to the employee? If so, why?
- Is this termination a last resort, after you have engaged in ongoing counseling with the employee?
- If you are in a hurry to fire a worker, have you considered all of the reasons why you should or shouldn't terminate the person?
- Have you kept notes about the worker's progress or lack of progress on a performance improvement plan?
- Does the employee understand what will happen if he or she does not improve work performance?
- Do you have a third person who can be present for the termination conversation to take notes on and verify what is said, if you think your side of the story might be challenged in court?
- Have you ensured that your firing decision is not related to and cannot be linked to a person's age, health, race, gender, sexual orientation, disability or worker's compensation status?
- Have you discussed the termination with an attorney or human resources professional before taking action?
- Could the employee have legal grounds to sue your business if you fire him or her?
- Are you being consistent in how you handle terminations, so you are being fair and following the same procedures you have used in the past?
- Are you prepared to speak calmly and directly about the reasons for the termination?
- If your employee is under investigation for a crime, have you decided whether to offer paid or unpaid leave of absence?
- Are you prepared to pay a lump sum immediately for hours most recently worked, as well as for earned vacation days and paid time off?
- Do you have an explanation of benefits and final paperwork prepared for the termination meeting?