

10 steps to stress-free, lawsuit-free termination meetings

Terminations are the hardest things HR professionals and supervisors have to do—and probably the most legally dangerous. One wrong word can trigger a lawsuit. To handle terminations well, you need to keep calm and communicate your message without escalating the tension. Here's a 10-step process:

1. Be prepared

Review the facts ahead of time to make sure the termination decision was sound. Document legitimate business reasons supporting the action. Ensure the termination won't breach contractual obligations; and that people closest to the situation will confirm the underlying facts. Prepare a meeting script so that when emotions become raw, you can stay on message and cover all the issues that need to be addressed.

2. Determine the right place

Don't add to the employee's embarrassment by meeting where others might see or hear what's going on. Select a location where there will be no interruptions. If the employee becomes argumentative, you may need to get up and leave once you've communicated the decision. For that reason, don't use your own office.

3. Have a witness

If another observer is present, the employee will have less opportunity to later make false accusations about events that occurred during the meeting. The witness should be a manager—one who is not emotionally invested in the termination.

4. Don't debate the decision

You don't need the employee's agreement that the termination is justified. Just communicate the decision. Refuse to engage in any argument over its merits.

If the termination is because of performance reasons or misconduct, the employee should already be aware of

the reasons behind the decision. You gain nothing by trying to convince the employee that he or she deserves to be fired. Such a discussion will only ratchet up the tension.

On the flip side, if the person is being fired for performance, don't offer compliments on aspects of his or her work. Doing so may make you feel better, but it will only infuriate the worker because it will appear that he or she is being fired for no reason.

5. Focus on transition issues

If the employee has company property, make arrangements now for its immediate return. If the employee has a noncompete or other continuing obligations, inform him or her of your expectations. Make arrangements for removal of the employee's personal belongings. The focus should not be on an amicable separation between the parties.

6. Handle final pay

In some states, when an employee is involuntarily terminated, the employer must pay all earned and unpaid wages within 24 hours after the employee's demand. To avoid any potential dispute over when a demand was made, most employers simply have the final paycheck available at the termination meeting.

7. Know records laws

Some state laws permit terminated employees to request copies of their personnel records. Know the law in your state. Review these types of requests with your legal counsel.

8. Consider severance

When severance benefits add up to a significant amount, they should be conditioned upon an agreement releasing the company of any and all legal claims. Employers must meet various legal requirements for such releases to be enforceable. Work with your legal counsel to make certain your release agreements are enforceable.

Which day of the week is best to fire, hire and give reviews?

- **Fire on Mondays.** This lets dismissed workers start looking for a job right away.
- **Make job offers on Thursdays.** If candidates need time to think, this gives them one extra day. If you give them the whole weekend, they may find another offer.
- **Give good job reviews on Fridays.** It sets the mood for a good weekend, which can be a reward in itself. It also prevents satisfied workers from "kicking back" for the rest of the week.
- **Give poor job reviews on Mondays.** This provides employees time to work out improvements during the week, instead of stewing about them all weekend.

Source: Challenger, Gray & Christmas study.

9. Document the discussion

After the meeting, you and the witness should document what happened. If you did a good job of preparing a script and sticking to it, you should be well on your way to completing your documentation even before the meeting begins.

10. Maintain confidentiality

Resist the urge to use this event as a lesson to other employees—or to put to rest rumors about why the employee left the company. With the exception of those who have a legitimate need to know more, employees and customers should simply be told that the person no longer works for the company.

Final note: Treating departing employees with dignity and respect will go a long way toward minimizing the inevitable tension that exists when communicating the termination decision. Making a plan and sticking to it are the keys. By doing this, you will avoid the traps that often cause termination meetings to be more stressful and combative than they need be.