

Five Steps to a Least Bad Employee Termination

There's no such thing as a "good" termination; but a bad one can hurt your relationships with your board and other employees, not to mention rack up hefty legal bills. So after many years of conducting this unfortunate action, I offer you the five key components of the "least bad" way to involuntarily end someone's employment:

1. **Do it as soon as possible.** The more time you take between when the decision is made and when you inform the employee, the more chances you're allowing for something to go wrong, say a diagnosis that places the person in a protected class like disabled under the ADA, or covers the person under workers comp (believe me, it happens). Once you've decided a person has to go, your highest priority should be to get them gone.
2. **It should rarely be a surprise.** How would you like to be told you're being let go for problems you didn't know existed and didn't get a chance to resolve? Remember that, and don't ever do that to someone else. Not only is it grossly unfair, but it begs a lawyer to charge you with discrimination, retaliation, and a few other accusations you wouldn't be prepared to defend. This applies even if you catch an employee with hands in the proverbial cookie jar. Suspend the person pending an investigation first.

Your goal should always be this: When the person gets the message to come see you in your office, he or she should know exactly why and what the outcome will be, because you were that clear in your handbook, or your last meeting – or ideally, both.

3. **Keep it short.** Review what you said in the previous conversation would happen if the problem was repeated, and what happened that constitutes the repeat of the problem; or review the clear, substantive rule that your investigation determined the employee broke. Tell the person that, based on these facts, the person's employment has been terminated. Don't say "*will be* terminated;" present it as a decision already made to keep down the arguing. Describe next steps, get the person out of the building, and wish the person a great life. This should be no more than 10 minutes. And never be drawn into a rehash of the facts, which doesn't help either of you.
4. **Keep it verbal.** The departing may "demand the reason in writing." Never acquiesce. The only purpose of that document is to help an attorney evaluate a cause of action against you, and short of a subpoena you're under no obligation to hand them rope to hang you. So don't.
5. **Keep it confidential.** Here's how to communicate the decision to the rest of the organization: "Bob's no longer with us, and we wish him all the best. Please direct all inquiries to related to his former position to Janet." If someone tries to pry more from you, repeat the previous. If that someone persists, say "Look, if you were in Bob's situation, you'd probably prefer the separation remain between you and the authority. We want to respect Bob's preferences as much as we'd want to respect yours." I'll bet that's how you'd want it, too.

Find drawbacks to any of these pointers? Me too. But believe me, their alternatives are worse. So follow these tips and have the least bad terminations. It's the best you can do.