Tips for Conducting an Employee Termination

What the supervisor says and the manner in which the news is delivered can influence the employee's decision to sue, the employer's odds of winning such a suit, and the emotional and financial well-being of the employee over a period of months or years to come. The following guidelines may help to prevent problems resulting from a poorly conducted termination interview:

Justification of Termination
Before conducting the termination interview, make sure your reasons for termination are within the bounds of state and federal laws. Providing written documentation, warnings, and any other supporting documents can help justify the termination. If you are unsure or would like guidance with the termination, contact the HR department at A Plus Benefits. We will review the reason(s) for termination with you and provide guidance/assistance in the termination process.

Pre-Termination Checklist:
The following is a list of items that you may want to consider before conducting a termination meeting:

☐ **Computer Password, Privileges** – Make arrangements to terminate the employee's password and/or computer privileges in a timely fashion. Identify any other privileges that may need to be terminated. Make sure employees do not have access to their computers immediately following the termination.

☐ **Potential for Violence** – Consider whether the employee's history indicates that violence or other security threats may result from the termination. Have a plan to handle any outbursts that may occur.

☐ **Return of Company Property** – Supervisors should make arrangements to obtain keys, pass cards, confidential files, and any other company materials the employee may need to return. Remember you may not make deductions or refuse to pay an employee in exchange for company property, unless the employee has specifically authorized in writing that you may do so (Utah Code §34-28-3[5-6]).

☐ **Notice to A Plus Benefits Payroll Specialist** – Utah law requires that final paychecks for terminated employees be paid within twenty-four hours after the termination (Utah Code §34-28-5[1a]). Notify the payroll department at A Plus Benefits to make arrangements for preparation and delivery of the final paycheck.

☐ **Vacation** – Notify payroll of any monies due for unused vacation time; if applicable.

☐ **Employment Record** – Make sure the employee's record is up to date before placing it in "inactive" status. Use the “Discharge Worksheet” to document the reasons for the employee’s termination. Do not remove any materials from the file until the relevant state and federal laws and statutes of limitations expire.

☐ **COBRA** – If the terminated employee has been covered by health or dental insurance, inform them of the necessary forms to continue insurance at the employee’s expense (if applicable, only applies to companies with 20 or more employees) which will be sent out in a timely manner. Remind them they may call A Plus Benefits concerning insurance questions.
Setting the Tone
The supervisor overseeing the termination should maintain a businesslike tone by reiterating documented facts about the employee's conduct and stating the company has decided to discontinue employment. When possible, have a witness present in the interview, preferably another supervisor or a member of the HR department from A Plus Benefits, Inc. if another supervisor is not available.

Disclosing the Reason for Discharge
In Utah, like many other states, an employer does not have to disclose the reason for discharge. However, if the supervisor has clear, well-documented grounds for termination, candidly advising the employee of these reasons may reduce the chances the individual will challenge the decision. The supervisor should limit the discussion to reiterations of behaviors that violated policy or failed to meet performance standards. Above all, the supervisor should not make references to the employee's personal character or discuss suspected but unproven charges of misconduct.

Clearly Establishing Termination
After reviewing the reason(s) for discharge, the supervisor should state clearly, without euphemisms, that the company has decided to terminate the employee and inform the subordinate as to the effective date. It is not a good idea to postpone termination dates to a date later than when the employee is informed of the termination. Since people at times buffer themselves from traumatic news by failing to hear or failing to understand, the supervisor needs to convey in certain terms that the employee is fired and that the decision is final.

Coping with Emotional Reactions
Employees' reactions to termination can run the gamut from anger to tears to dead calm. Loss of employment comes as a severe shock, even when the employee had ample warnings and should have expected it. The supervisor needs to remain calm, courteous, and respectful. Although the supervisor may feel sympathetic, the best response is to merely listen, hand out tissues and avoid getting into a prolonged exchange with the employee.

Dealing with Threats
A fired employee often makes threats that he or she does not intend to carry out. If the subordinate threatens to go to a lawyer, the supervisor should respond with silence or make a neutral comment, such as "that is entirely your own decision." However, if the employee makes a threat of violence or illegal activity, the supervisor may want to call in another person as a witness, or contact security staff and/or police if violence appears imminent.

Discussing References
Remember that Utah has an employer reference immunity law (Utah Code §34-42-1), and employers can become liable for giving false or incomplete information to prospective employers. Employees should be advised that as a reference you will provide information regarding both strengths and weaknesses, and the reason(s) for the employee’s termination.

Closing the Interview
If the interview takes place in a room where the employee may be left alone, the supervisor may offer to leave the employee in privacy if there are no security issues. If security issues do exist, it is wise to escort the terminated employee to their workstation to gather personal belongings, and then to the company’s exit.