

5 Steps to Take Before Terminating an Employee

1

Does the personnel file include all documentation of prior disciplinary actions acknowledged by the employee?

.....YES

NO

Risky to terminate

2

Is the employee's misconduct in violation of written company policies and has the employer followed its own policies and procedures?

NO

Risky to terminate

YES

3

Is the employee a member of a protected class (i.e., female, not Caucasian, 40 years of age or older) or complained of potentially unlawful action within the last year?

.....YES

NO

Risky to terminate

4

Is the written documentation of the event that is the straw that broke the camel's back and is the reason for termination supported by witnesses and documentary evidence (i.e., email, texts, etc.)

NO

Risky to terminate

YES

5

If any of the four steps reveals a possibility of legal action, the employer should consider retaining employment counsel to prepare a severance agreement with a script for terminating the employee.

Do not terminate the employee until you have fully vetted all possible claims the employee can raise against the employer.



For more information on terminating employees, contact Lisa Sherman to schedule a free consultation by emailing Lisa at lisa@sherm-law.com or calling her at (323) 488-2087



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