

Termination – Best Practices Tips

Overall, respect for and preservation of an employee's dignity can go a long way in setting the right tone for an arguably difficult situation. In the long-run it pays to maintain a professional demeanor, no matter the circumstances. If at all possible, every termination should be undertaken in accordance with the company's existing policies and procedures. Following established policies for the act of termination, as well as support for the action taken, can significantly reduce potential risk factors.

Here are a few questions to consider in making the decision to terminate:

- Which policy or procedure (written or oral) did the employee's action(s) violate?
 - Some of the most common policies to consider:
 - Falsification of information;
 - Misuse/misappropriation of company property/information;
 - Disclosure of confidential or trade secret information;
 - Social Media and Blogging; and those against
 - Harassment, discrimination, retaliation, or bullying.
- Did any actions taken by the employer violate the employee's right to privacy?
- Were the actions of the employee protected under any applicable state or federal law or regulation?
- Does the applicable policy or procedure violate any state or federal law or regulation?
- Was the conduct off-duty? And if so, was it conduct protected under state law?
- Is the employees conduct protected under a Whistleblower statute?
- If the violation involved a communication (oral or written) and if so, was the communication related to a political activity or affiliation?

- Does the employee have a potential discrimination, harassment, retaliation or bullying claim?

Taking the time to consider these and other important questions before instigating a termination action can reduce risk and help sustain employee relations. The mishandling of disciplinary actions and terminations can create an overall atmosphere of resentment and vindication leading more often than not to potential legal action. Appropriate and effective handling of employee wrongdoing, including termination, can go a long way toward reducing your organizations risk and preserving brand value.