

EMPLOYEE TERMINATION CHECKLIST

(6 often overlooked and ignored action steps critical for any termination)



- ✓ Arrange to have a second person present during the termination solely to observe and take notes

If the disgruntled employee later claims you said things discriminatory during the termination interview that you didn't actual say, this second person and the notes they take will provide critical evidence to counter such claims.

- ✓ Secure sensitive business information

Coordinate with your IT department or contractor to eliminate the employee's access to critical business systems, such as email, customer relationship management software, billing software, policies and procedures, project management software, etc. Schedule to cut access just before or during the interview.

- ✓ Document the termination interview

Memorialize in writing what you said to the employee during the termination interview, the employee's response, any agreed-upon action steps and any other relevant information. Make sure to memorialize these notes shortly after the interview. A court will give notes made close to or during an event more evidentiary value.

- ✓ Avoid any personal comments or opinions during the termination interview

Don't make the discussion personal during the termination interview. Rather, focus on job issues. This might include unsatisfactory job performance or violations of company policies and procedures.

- ✓ Explain the post-termination process

During the termination interview, set clear expectations for what is next. Will the employee continue to receive benefits? Are you required to offer COBRA? Where should the employee turn in equipment and to whom (i.e. laptop)? Make sure to deliver the state-required separation notice.

- ✓ Deliver or send a termination letter

The termination letter documents the last day of employment. This avoids claims for unpaid wages (especially for virtual workers). This letter also reinforces the termination reason. With this letter, you provide the employee written notice of their contractual obligations, like keeping information confidential, not competing, and not soliciting employees or customers.