

## HOW TO FIRE AN EMPLOYEE ... THE RIGHT WAY

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Kathie Caminiti was quoted in *Business News Daily* on May 6, 2015. The article "How to Fire an Employee ... The Right Way" provided advice on how to go about terminating an employee properly, from both a legal and a professional standpoint.

The situation can be a little trickier if an employee is being let go as part of a downsizing initiative. Kathie said that documentation is necessary to justify not only the reduction in staff, but how you determined which employees got cut. [Should You Fire That Employee? 4 Questions to Ask]

"With a downsizing or reduction ... what is the business justification and what is the selection criteria for the person to be terminated?" Kathie said. "If you're letting go of three people, the next question is, why those three people as opposed to [other employees]? That's where companies get into trouble."

To make sure you've covered your bases, Kathie advised asking yourself these five important questions when preparing for a termination meeting:

1. What is the reason for the discharge and what documentation exists to support that decision?
2. What is the employee's background and history with the company? (Consider age, gender, protected class under EEOC laws, union versus non-union, whether employee has made complaints against company, etc.)
3. Am I treating all other employees the same? (i.e., if the employee is being fired for violation of policy, would any

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other employee also be fired for the same violation?)

4. Is this termination achieving business objectives?

5. Am I following my own employer policies and procedures for discipline?

As difficult as it may be to prepare for an employee's termination, the actual firing part will always be the hardest step in the process. Kathie reminded employers that, while letting someone go does affect your remaining staff and their morale, the decision has an immediate financial and emotional impact on that person and his or her family. Therefore, the situation must be handled with the appropriate sensitivity and tact.

The employee you're terminating is likely going to be upset and have some questions for you once you deliver the news. Kathie said you should anticipate this, and be ready to answer any questions posed in a respectful and succinct manner — don't drag it out, or you might say something that could land you in hot water.

"How a person is terminated often influences whether they file a lawsuit," Kathie said. "If people feel treated with dignity and respect, they're less likely to file a lawsuit.

Kathie noted it's very important to make sure an employee's final notices — COBRA information, final pay, benefits administration, nondisclosure agreements, etc. — are completed, filed and issued correctly, so as to have a proper paper trail should any problems arise after his or her last day.

To read the full article, please visit [\*Business News Daily\*](#).