

PRE-TERMINATION CHECKLIST

The following items should be considered prior to the termination of an employee. Not all items will apply to all employees or all circumstances.

- ☐ Determine if the termination is the fault of the employee or the system. If the latter, termination may not solve the problem and may lead to litigation, lowered morale and employee and customer defection.
- ☐ The employee's personnel file has been reviewed and there is proper documentation supporting the termination decision, including investigation, warnings and witness statements.
- ☐ Any company policies and procedures violated by the employee are reasonably related to the operation of the business or the employee's job performance.
- ☐ The termination procedure follows company policies and procedures.
- ☐ Other employees have been treated similarly under the same or similar circumstances.
- ☐ The employee has been subjected to progressive discipline where warranted.
- ☐ If the employee is within a protected class (over 40, female, minority, disabled, etc.), discriminatory motives have been ruled out.
- ☐ All employee complaints have been fully investigated and the recommended termination is not the result of retaliation for communicating any grievance, claim or complaint.
- ☐ Before recommending termination, have you considered: restructuring the job; moving the employee's work location; a demotion; a transfer; new supervision; leave without pay; referral to an employee assistance program; voluntary resignation; or other alternatives?
- ☐ There are no implied, written or oral contracts with this employee governing the termination decision.
- ☐ The termination has been independently reviewed and approved by the Human Resources Department or another third party.
- ☐ Written notice of termination has been prepared.
- ☐ A plan has been adopted for informing the employee of their termination in a brief and dignified manner.
- ☐ Termination is set for Tuesday, Wednesday or Thursday morning at the employee's office or in the conference room.
- ☐ You have considered consulting an employment lawyer prior to the termination decision.