

The firing checklist every HR pro should use

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Firing staff members is stressful – which is why so many HR pros sometimes hurry the process along to get it over with. But that's a big mistake.

If you don't cross your t's and dot your i's before, during and after a termination, you're setting yourself up for major problems down the line — including potential litigation from the worker you just let go.

Here's a comprehensive list of things to keep in mind throughout the termination process to ensure everything goes smoothly – and that you stay on the right side of the law, courtesy of [Amy Joseph Pedersen](#) of the [Stoel Rives law firm](#):



Pre-termination

- **Review employees' files for post-employment obligations.** These can range from non-competition agreements to confidentiality agreements. If they exist, make a copy of the agreement to give to departing employees to remind them of their obligations.
- **Get IT involved.** Partner with someone in IT to sever employees' computer access while the termination meeting is taking place. Don't forget that many staff members have remote access that will need to be taken care of at the same time.
- **Carefully choose a location and time.** The best time to meet? Near the end of the day. And consider conducting the meeting in employees' offices or in a conference room. Why? Some employees may want to engage in an extended argument about their termination, and it's easier for you to leave employees' offices or a conference room than to make workers leave your office.

During termination

- **Explain to employees that their computer access has been cut off.** But also note that you'll work with them to get any personal info they have off their work computer.
- **Get company property back.** This may include phones, laptops, keycards, keys, etc. If staff members have any company documents or property at home, arrange for a time to pick those up. Finally, ask workers if they've emailed any company documents to themselves, and, if so, ask them to delete them.
- **Ask about discrimination.** If an employee complains about discrimination or retaliation, don't dismiss it. Ask him or her to explain in detail why they're claiming bias. Make notes and tell the employee you'll investigate the claim, but make it clear your decision stands. Then, check out his or her story. If it has some merit, get in touch with a lawyer.

Post-termination

- **Arrange for personal item pick-up.** Decide how workers will obtain their belongings after termination. Maybe you'll walk employees back to their desks immediately after the meeting. Or you could also arrange to meet with them at the office on the weekend.
- **Give employees a termination letter.** It's a good idea to give workers a letter saying they've been terminated, with another reminder of any post-employment obligations. Plus, some states require employers to give the reason for the termination in the letter, so check with state laws to determine what your obligations are.
- **Give workers their final paycheck.** Of all the laws involved with terminations, this is the most confusing because state laws vary significantly. Check your local laws to see:
 - if you have to pay out unused vacation time
 - if you have to pay out unused sick leave, and
 - when you must pay staffers their final paycheck, which depends on whether staff members quit, are fired, or leave by mutual agreements.
- Finally, **ask employees if they'd like to pick up their final paycheck** in person or if they'd prefer that you mail it to them.

The 4 biggest termination mistakes

So how do most companies get in trouble during the termination process?

Here are four ways HR pros consistently drop the ball when they fire someone, courtesy of the [ManpowerGroup Employment Blawg](#):

- **They don't explain why.** If you're looking to get sued, sugarcoat the reason you're firing someone — or over-exaggerate. Either way, you'll have a hard time pleading your case to a judge.
- **They ignore precedent.** Consistency is key. If you're new to the company, learn how the company has handled similar terminations in the past.
- **They don't treat departing employees well.** Just because you're firing someone doesn't mean you can't treat them like a human being. It can only help your reputation if you treat a fired employee with dignity and respect. Plus, it's the right thing to do.
- **They don't fire at all.** Sometimes the biggest termination issue you can face is not taking action. Dragging your feet in firing a poor performer kills morale.

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