

HOW-TO

# Fire an employee

BY BILL ARMAN

**W**hen it comes time to fire an employee, there are many questions and concerns—fears of discrimination, wrongful termination, retaliation—that can weigh heavily on landscape contractors’ minds and pocketbooks. So let’s review the fundamental process for conducting an employee termination fairly, correctly and consistently.

To start, be prepared. Collect the facts, review them and interpret them objectively. Ask:

**WHAT DOES HIS LAST PERFORMANCE REVIEW LOOK LIKE?** Invariably, when I ask this question, the answer is “I don’t know” or “We haven’t done performance reviews for a while—actually, ever.”

**ARE PERFORMANCE OR BEHAVIORAL PROBLEMS WELL DOCUMENTED?** If there are problems with an employee, it must be reflected in his performance reviews. If there’s no documentation, then you might need to rethink your plan.

**ARE THERE ANY WRITTEN WARNINGS?** Has the company made it clear to the employee that if his behavior or lack of performance continues his job is in jeopardy? Written warnings must explicitly state to employees the consequences of not improving their performance. Managers need to be clear (in writing and signed) that whatever the employee is doing or not doing could result in job loss.

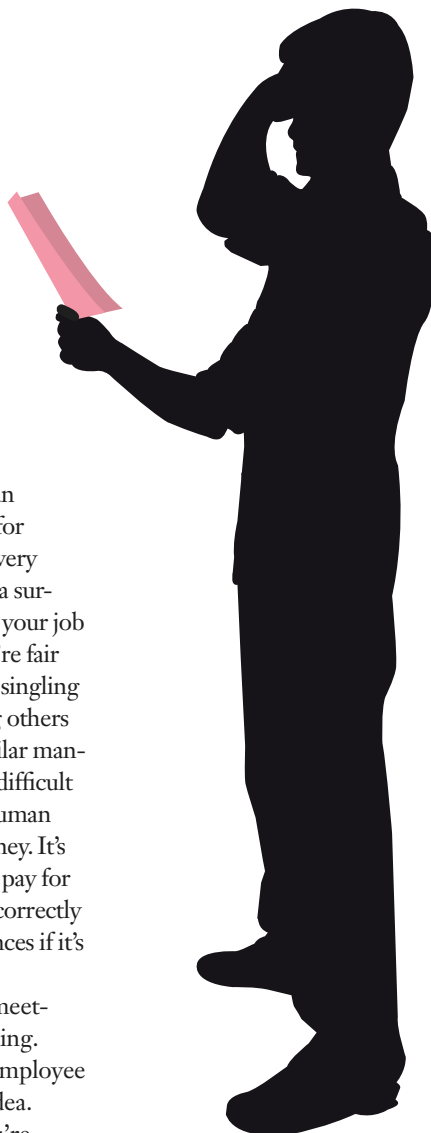
Without documentation, an employee has a stronger case for wrongful termination. At the very least, being fired shouldn’t be a surprise. If it is, you haven’t done your job as a fair leader. Be certain you’re fair and consistent and you’re not singling out this person while allowing others to perform or behave in a similar manner. If you have a particularly difficult issue, seek assistance from a human resource expert or labor attorney. It’s considerably less expensive to pay for expertise to fire an employee correctly than paying for the consequences if it’s done incorrectly.

Plan for the termination meeting by scripting it and practicing. Winging a meeting with an employee you’re going to fire is a bad idea. If you don’t prepare what you’re going to say to the employee, you could speak out of turn, and your comments could be fodder for a lawsuit. Determine who’s going to say what during the meeting. Let the employee know the purpose of the meeting from the start. Determine what’s going to happen after the

meeting and who’s going to do what. For example, will you need to take the terminated employee home?

If the termination is because of a chronic performance problem, a fundamental script should be used: “As you know, you and I have had several meetings during the past several weeks/months to discuss your performance-related problems (e.g., interpersonal skills, accuracy of work, not wearing personal protective equipment, etc.). Despite that documented coaching, your performance hasn’t improved to the required level of your position and is negatively affecting company operations. As such, today will be your last day of employment with the company.”

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**QUICK TIP**

**Remember to show respect and dignity. Employees at all levels deserve to be treated well when their employment is being terminated, whether it's because of performance, behavior or financial reasons.**

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MANAGERS WHO FEEL BAD ABOUT HAVING TO FIRE AN EMPLOYEE SOMETIMES WILL TRY TO SOFTEN THE BLOW TO THE EMPLOYEE DURING THE MEETING. BE CONCISE AND TO THE POINT. STICK TO YOUR LINE.

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If the termination is because of a significant policy violation, a different fundamental script should be used: “An investigation has provided us with evidence you violated company policy (i.e., sexual harassment, alcohol use, time card fraud) on (specify date). As stated in the employee handbook you signed (specify date), that policy violation results in employee termination. As such, today will be your last day of employment with the company.”

Make sure you have everything ready to go:

- › Cut the employee’s final paycheck and include pay for any unused vacation.
- › Have the termination form acknowledging administrative details ready to sign.
- › Provide the employee with a COBRA notice so he or she knows how much it will cost to continue health insurance.
- › Provide 401K information.
- › Where appropriate, provide transportation home. Don’t let him or her take a company vehicle home.

### **Plan the details**

Planning the details of the termination helps demonstrate respect for the employee. This will show you care enough about the employee to think about the questions and issues he or she will face.

Do it in person, not through email, a letter or over the phone. Remain calm, and be prepared for potential responses such as swearing or crying. Make it quick, about 20 minutes maximum. Have two people other than the employee present—one person should be the point communicator and the other is the witness. Conduct the meeting in a quiet, private space with no interruptions and when few people are around.

Remember to cut to the chase. For example, “Bob, we’re meeting today because we need to let you go. Today is your last day here.” If the employee asks why they’re getting fired, have a line and stick to it. For example: “We’ve discussed your performance or behavior several times.

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## MORE TERMINATING TIPS

- › Don't make inappropriate comments about the employee verbally or via email. Be careful about what you write in emails about employees whose performance might warrant termination. Those emails are discoverable in a litigation case.
- › Download all the employee's computer information before your meeting in case it's deleted.
- › Be prepared to divert email correspondence to a point person so you don't lose continuity with your customers.
- › Prevent his or her ability to tap into the company's email or server.
- › Don't share the bad news through social media. This will make the company vulnerable.

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This job is no longer a good fit. Today is your last day."

Managers who feel bad about having to fire an employee sometimes will try to soften the blow to the employee during the meeting. Remember to be truthful about the reason for the termination. Be concise and stick to your line.

Finally, collect assigned items such as credit cards, keys, phone, vehicle and computer files. Consider whether the employee will be allowed to collect his belongings from his desk, or whether the company will pack them up and send them to him. If the employee has company files at home, determine how to obtain those files. After the meeting is concluded and all is well, debrief to see how it went. Learn from any mistakes and make needed adjustments.

Remember to show respect and dignity. Employees at all levels deserve to be treated well when their employment is being terminated, whether it's because of performance, behavior or financial reasons. If you're the employer or manager, treat the person, whose life

this news will be dramatically changing, with as much dignity and respect as possible. Handling an employee termination in anything but a professional manner can have serious and costly legal consequences.

Handling this part of your business

correctly, fairly and consistently will make it easier and less painful. **LM**

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