

Termination Checklist

Some Important Considerations

By Ronald F. Smedley

In today's morally relative society, understanding the legal guidelines for terminating an employee for cause has become increasingly confusing. And as a Christian, termination can also raise some interesting theological questions, such as: "Should I just let God deal with him?" and "How much is enough before I react to the person and his or her problem?"

Our model is Jesus Christ who treated everyone the same as God's children—with dignity, respect, compassion and integrity. However, he also treated people differently when they were poor stewards of their given responsibilities. The difference? We are to treat all employees the same because it demonstrates God's character, yet differently when they act irresponsibly and violate God's character. For some this could mean feedback and discipline—up to and including termination.

There are many considerations to take into account when faced with terminating an employee. This list isn't meant to be exhaustive, because no checklist can possibly anticipate all behavioral patterns. Still, if followed, this will help reduce the risk of exposure for you and your organization.

Before Termination

Here are some general issues to consider before terminating an employee:

- Does the human resource department concur with the "progressive process" you followed?
- Is there an implied (*a "clean" personnel file*), verbal (*"hope you will be with us as long as God allows"*) or written contract in question?
- What's the employee's tenure? If the person is a long-term employee (10 years or more), do you "owe" him or her some special consideration?
- What effect will the termination have on the organization's morale? What should you do if staff morale will be affected?
- Does it appear that the employee's "protected class" (if applicable) has anything to do with the decision to terminate him or her?
- Has a thorough investigation been conducted so that the decision is based upon facts, and not perception, hearsay or speculation?
- Are there extenuating circumstances, case law or other factors which justify a lesser penalty?
- Is this the best time to carry out this decision?

- Is this action consistent with prior incidents of a similar nature?

Disciplinary Terminations

Here are some questions to ask yourself when considering a termination for violation of a corporate policy or required process:

- Was the disciplinary rule or process known to the employee? How do you know this?
- Was the practice displayed by everyone else consistent with the rule?
- Have appropriate progressive disciplinary steps been followed (verbal coaching, written, counseling session, suspension, etc.) while treating the employee justly and fairly (through the perception of both the law and your "jury")?
- Is all the disciplinary documentation orderly and timely?
- Did the employee have an opportunity to take constructive action?
- Do the employee's other records support the decision? (For example, did the employee just receive a merit raise for outstanding performance? Ouch!)
- Is your progressive discipline viewed as a procedure, *not* a policy. A procedure can be changed (*it "could or would" occur*), whereas a policy can't be changed (*lose your at-will status*).

Performance Terminations

Here are some questions to ask yourself when considering a

Exploring the Reasons for Poor Performance

Before deciding to terminate an employee, ask yourself these questions:

- What are the real issues? Are there issues outside of work? Can the situation be redeemed?
- Does the employee understand what's expected of him/her?
- Is the employee capable of fulfilling expectations?
- Has the employee followed through on promises to improve? How much effort is he/she willing to give?
- Is this person in the wrong position? Is there another job in the organization more suitable for his/her skills, gifts and temperament?
- Is the employee's performance disrupting the performance of others?

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termination for poor performance:

- Was the job description (*and required standards*) accurately and clearly relayed to the employee, and did he or she sign off on it?
- Was the employee not only told of job deficiencies, but adequately coached within a certain timeframe in how to improve and meet job standards?
- Did the employee ask for help, and if so, was he or she denied it (perhaps based on the attitude that “*he or she should know how*”)?
- Is the articulated reason for the discharge the real reason, or are there “*hidden agendas*”?
- Is the area of deficiency one that can be objectively measured, or are the criticisms subjective in nature (bad attitude vs. not doing the job)?
- Is the unacceptable behavior well-documented through specific verbal and written counseling sessions?
- Does the employee’s personnel file support the termination (or did the employee just receive a merit raise)?

The Termination Session

Here are some questions to ask yourself when preparing for the termination session with an employee:

- Will the termination be conducted in private (it should be)?
- Has the termination been reviewed by legal counsel and/or a human resource professional?
- Will a human resource representative be your witness for the termination (a witness is necessary)?
- Have you made sure the supervisor conducting the termination is prepared to be calm and factual?

■ Does human resources have a consistent “termination check sheet” to follow, and all the paperwork, checks, etc. ready to proceed?

- Will a severance agreement be offered to the employee? If so, is it an independent decision to offer the agreement, rather than a policy?
- Has legal counsel drafted or reviewed the severance agreement?
- Do you have a list of “items” the employee needs to return to the organization?
- Are you assuring the termination meeting will be free of interruptions?
- Have you set a time and date for the termination session to be conducted (avoid mid-week, if possible)?

It’s been said the best termination is one that doesn’t have to occur. However, when faced with the necessity to terminate an employee, displaying good character with quality methods will help ensure a dignified and smooth process. Still, when in doubt as to your next step, contact your legal counsel or HR consultant and review the concerns, so you can proceed as a good steward to both your employees and organization.

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When It’s Necessary to Terminate an Employee

You should seriously consider terminating an employee when it involves:

- Theft or destruction of ministry property
- Excessive tardiness or absenteeism
- Arguing or fighting with co-workers or guests
- Being under the influence of alcohol or illegal drugs at work or at an organization-sponsored event
- Refusing to carry out reasonable job assignments
- Dishonesty or falsification of documents
- Violating established rules and regulations of the ministry, including committing unauthorized acts
- Unlawful discrimination or harassment
- Significant moral failure
- Insubordination
- Poor performance after repeated attempts to resolve issues, provide training and counsel the employee.

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