

TERMINATION

If an employee is not meeting expectations or completing a corrective action plan, do not be afraid to terminate the employee. If your performance evaluations and corrective action plans have been done properly, the termination can be a constructive parting for both you and the employee.

1. TERMINATION DOS:

- Meet with the employee in a private, controlled environment.
- Have a witness present.
- Be truthful when giving the reasons for termination.
- Even in non-union settings, allow the employee to have his or her own “representative” present when conducting an investigatory interview that may result in disciplinary action.
- Retrieve all company property, *i.e.* laptops, etc.
- Consider having someone escort the employee out of the office.
- Oregon law requires that you provide a final paycheck not later than the end of the first business day after terminating the employee (ORS 652.140(1)).
- Know the rules for offsets or deductions from pay.
- Think twice about contesting claims for unemployment compensation. Contesting unemployment claims may be the final straw that prompts an unhappy ex-employee to file a lawsuit.

2. TERMINATION DON'TS:

- **DO NOT** get into a discussion as to whether the decision was correct and rehash all the events to date. Be firm with the employee that the employment relationship has ended.
- **DO NOT** terminate an employee in front of other coworkers (other than a trusted competent witness).
- **DO NOT** terminate an employee in anger.

- **DO NOT** let the termination come as a surprise to the employee.

3. **RELEASES:**

A release relieving you of liability for the termination may be appropriate if the employee is provided with some consideration (*i.e.* compensation) for signing the release. Adequate consideration does not include any payments or benefits to which the employee was already entitled. The employee should be provided with an opportunity to consult with counsel before signing the release. Beware that specific language and waiting periods are required to release an age discrimination claim under the Age Discrimination in Employment Act (ADEA).