

# Ask SCORE

## KEY CONSIDERATIONS WHEN FIRING AN EMPLOYEE

Hiring an employee is a huge step for any small business. Finding the best candidates is a challenge and, even once you think you've found the best person for the job, hiring many times feels like a leap of faith.

Most times this leap of faith pays off. Sometimes, however, small business owners are faced with the unpleasant job of firing an employee.

**A small business cannot afford to pay an employee who is not measuring up.**

Coming to the decision to fire an employee isn't easy or clear cut. The reality, though, is that a small business, especially one just starting out, cannot afford to keep someone on payroll who is not meeting expectations. Hoping the issue resolves itself can harm your business, create a stressful and less productive work environment, and damage your business' reputation.

Many states have fire 'at will' policies. This means that in those states, owners can fire an employee at any time without reason. While this may sound straightforward, though, firing an employee can get complicated quickly. There are limits and exceptions that owners need to be aware of before saying goodbye to an employee.

**Documentation that justifies your reason for firing an employee is critical.**

While some states may allow employers to fire employees at their discretion, Federal law prohibits termination for reasons of race, gender, age, religion,

disability, or any other discriminatory reason. Businesses also cannot fire someone for complaining about illegal activities, health and safety violations or harassment in the workplace. This is why documentation justifying your reason for firing an employee is so critical.

You will want to take note of the behavior, actions, and results that led to the decision to terminate the employee. Were there witnesses to these events? Was a performance improvement plan developed and communicated to the employee? Did the employee sign the plan, acknowledging that it was communicated to them? These are all important questions to ask. Even if the answer to all of them is "yes," it is still a good idea to review everything with an attorney prior to taking the action of actually firing them.

If you are confident that you need to fire an employee – and have legal grounds to do so – put everything in writing. Create a document that lists your reasons for termination, incidents that led to your decision and any measures you took to correct the behavior prior to termination if applicable. This documentation will help an employee better understand your decision and protect you and your business against any claims of discrimination.

**There is a right way and a wrong way to break the news.**

When you do decide to move forward and are ready to part ways with your employee, break the news in a private room where other team members cannot overhear you.

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## Ask SCORE

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Have at least one other person present so there is someone who can witness the conversation. And, if you ever fear that your employee could have an extreme reaction and become violent, arrange to have security personnel nearby just in case.

Be direct and to the point as you deliver the news. Inform the employee about any unemployment they are eligible for and any other continuation of benefits, owed vacation or sick time, bonuses or commissions not yet paid, unpaid expense reimbursements, or any other compensation that the business owes them.

Once the conversation ends, walk with the employee to their desk or workstation to gather their belongings and then escort them to the exit.

**Thoughtful workforce management is key to the wellbeing of your business long term.**

Managing employees — from hire to fire — is not an area for small business owners to go it alone. Having the right support, like the support of a SCORE mentor, is one of the best ways to ensure you're handling all aspects of employee

management properly including firing an employee. A SCORE mentor can guide you through the firing process, so your business is protected. Contact a SCORE mentor today.

Since 1964, SCORE "Mentors to America's Small Business" has helped more than 10 million aspiring entrepreneurs and small business owners through mentoring and business workshops. More than 11,000 volunteer business mentors in over 320 chapters serve their communities through entrepreneur education dedicated to the formation, growth and success of small businesses. For more information about starting or operating a small business, contact SCORE TriCounty, <https://tricity.score.org/content/find-mentor-183>.

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