

KEY CONSIDERATIONS WHEN FIRING AN EMPLOYEE

While carefully selecting employees can help prevent human resources issues, your small business might still find it has hired a staff member who is not a good fit. A number of issues may justify termination of an employee such as Sub-par performance, Disruptive or abusive behavior, Repetitive tardiness, Excessive or unapproved absences, Dishonesty, and theft.

In some circumstances, a warning, coaching, or amended responsibilities might correct the problem. Depending on the nature of the issue, however, you may find the best course of action is to part ways. Keeping employees on the payroll when they are not measuring up to expectations could thwart your business's growth, create a stressful working environment, and do permanent damage to your reputation.

In most states including Pennsylvania, an employee may be fired "at will" — at any time for any or no reason. However, there are limits and exceptions. For example, federal law prohibits employers from terminating employees for reasons of race, gender, age, religion, or a disability. Nor can you legally fire employees for complaining about illegal activities, health and safety violations, or discrimination and harassment in the workplace. Other exceptions may exist in your state as well.

Documentation is imperative. One must be consistent to document behavior, action, and results. Are there witnesses? Has there been a performance improvement plan developed and communicated to the employee? Make sure to have the employee sign that the plan has been communicated. It is always good to review with an attorney prior to the termination.

If you believe you need — and have legal grounds — to fire an employee, document your

reasons, all incidents that demonstrate them, and disciplinary measures (if any) prior to the termination. Having this information on record will give the employee an understanding of your decision, and it can help protect you against any claims of discrimination.

Plan to break the difficult news to the employee in a private setting with a witness present to observe the conversation. If you have concerns about the employee becoming violent, consider having security personnel nearby.

In breaking the news to the employee, one should be straight and to the point. There should always be a witness to the discussion. Upon termination, the employee should be escorted to their workstation to collect their possessions and escorted to the exit.

Either during the meeting or in follow-up to it, you are required to inform the employee of eligibility for unemployment and any applicable optional continuation of benefits (such as health insurance). Also, address any entitlement to accrued vacation pay or sick leave, outstanding commissions and bonuses, and not-yet-reimbursed company expenses.

Because of the potential legal ramifications when terminating an employee, make sure you do your research and consider consulting a human resources professional or attorney who can guide you. Also, consider reaching out to your local SCORE chapter to talk with a mentor who can offer input, feedback, and guide you to knowledgeable resources within your community.

For more information about starting or operating a small business, contact SCORE TriCounty. You can call 610.327.2673, email tricity@scorevolunteer.org or visit the website at www.tricity.score.org.

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