Termination Checklist – 2



It is important to understand that the facts will vary from situation to situation. When a reviewer looks at a request for termination, he or she must fit the questions considered to the circumstances of the particular case. Common sense is an extremely important factor and cannot be minimized. Among the questions that a reviewer should consider are the following:

- How long has the employee been with the company?
- What is the employee's age, sex, and minority group status?
- Has the employee recently made complaints about safety or the integrity of company products?
- Has the employee recently exercised a legal right such as filing an OSHA complaint, filing a workers' compensation claim, or serving on a jury?
- Is the employee due to vest in pension rights shortly?
- What reasons for discharge will be stated if litigation occurs?
- Have the company's disciplinary procedures been followed?
- Is the employee's improper conduct or failure to respond to corrective suggestions documented?
- Can the supervisor identity specific tasks or responsibilities that were not properly carried out?
- Did the employee have fair advanced notice of the standards by which performance would be judged?
- Are there extenuating circumstances that justify a lesser penalty?
- Have other employees who engaged in similar conduct been terminated?
- Do the reasons for discharge adequately match the applicable termination standard?
- How strong is the evidence of the event that triggered the discharge?
- How strong are the documentation and other evidence of progressive discipline?
- Has the reviewer looked at the employee's entire personnel record?
- Does the employee's prior disciplinary record support termination?
- Has the reviewer followed the company's own contractual policy, and/or employee handbook procedures regarding discipline and discharge?
- Has the employee's explanation of the 'triggering event" been obtained before making the termination decision?
- Are both the documentation and the decision to terminate timely?
- Would a transfer of the employee to a different job or facility, or a medical or personal leave of absence alleviate the problem?
- Should there be a 60-day or other reasonable probationary or warning

period? Should there be a final warning?
- If the reasons for discharge are related to adverse business conditions, is there evidence that the particular employee was or was not selected for discharge (lay off) on a pretext?