



# The Business Leader's Guide to Compliant Employee Terminations

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# Introduction

Terminations are arguably one of the toughest parts of being a leader — and where the stakes are highest for your business. Without a solid trail of documentation and a clear communication plan, even the most justified departure can lead to legal headaches and impact team morale.

This guide simplifies the complexity of separations by breaking them down into manageable steps. From the initial prep work to the final administrative actions, we'll walk you through the entire process with checklists and practical insights you need to handle separations with professionalism and peace of mind.



# Understanding the Termination Process



An employee termination, whether involuntary or voluntary, is the formal end of an employment relationship. Because these conversations are inherently sensitive, they require more than just a quick meeting — they need a structured approach.

A well-managed process, from clear documentation and legal review to a professional exit meeting, is critical for avoiding common pitfalls, maintaining professionalism, and protecting your team's culture.

# Legal Considerations in Employee Terminations



**This guide focuses specifically on W-2 employees.** Ending an agreement with an independent contractor involves different legal and procedural requirements. Using employee termination procedures for contractors can sometimes create misclassification risks. Ensure you're following the specific terms of your service agreement.

Terminations carry legal implications at the federal and state levels. While at-will employment generally allows your organization or the employee to end the relationship at any time, for any lawful reason, you must still navigate a complex web of wage and hour laws, anti-discrimination statutes, and leave protections. Failing to align your process with these requirements can lead to wrongful termination claims or regulatory penalties, regardless of at-will status.

## Key legal considerations may include:



Compliance with federal and state anti-discrimination laws



COBRA notification obligations



Proper documentation of performance or misconduct issues



WARN Act requirements for certain layoffs



Final paycheck timing requirements



Adherence to company policies and employment agreements



Accrued vacation payout rules, where applicable



**Tip:** Always verify the employment laws that apply in the state *where your employee is based* before initiating any termination process. Laws vary by state and locality, and requirements regarding final pay, notice periods, and benefits can differ significantly.

# Types of Employee Terminations

Employee terminations are generally considered voluntary or involuntary. By identifying the type of termination early on, you can ensure the appropriate steps, protections, and communications are in place from the start.

Below is a breakdown of the most common termination types:

- 1 **Voluntary Termination:** Occurs when the employee initiates the end of the employment relationship through resignation or retirement. While your legal exposure is generally lower in these cases, proper offboarding, documentation, and a smooth knowledge transfer are essential to protect your team's productivity and ensure a clean separation that maintains your professional reputation.
- 2 **Involuntary Termination:** Initiated by your organization, this type of separation can take several forms:
  - ▶ **Performance-Based:** Occurs when an employee consistently fails to meet established job expectations. Following a documented, progressive discipline process, such as written warnings and performance improvement plans (PIPs), will demonstrate that you provided the employee a fair opportunity to improve.
  - ▶ **Misconduct-Based:** Results from company policy violations or serious workplace behavior issues. It's important to maintain clear documentation of the incident or pattern of behavior to defend the termination decision.
  - ▶ **Layoff or Redundancy:** Occurs when a role is eliminated, usually due to restructuring or an economic shift. Because the employee isn't at fault, these situations may trigger specific state- or federal-level advance-notice requirements that don't apply to other terminations.
  - ▶ **Termination for Cause:** Reserved for severe violations, such as theft, fraud, harassment, or gross misconduct, which bypass standard progressive discipline procedures. Because these terminations carry heightened legal scrutiny, timely and detailed documentation is especially important.

# Why A Structured Termination Process Matters

A structured termination process is not merely a formality — it is a safeguard. Inconsistent termination practices create risk on two fronts: legal vulnerability for your organization and lasting damage to your team’s culture and trust.

The [Equal Employment Opportunity Commission](#) (EEOC) receives tens of thousands of workplace discrimination charges each year. In fiscal year 2024, the [EEOC reported](#) that discharge or constructive discharge — where an employee resigns because working conditions have become intolerable — was raised in 72.1% of new suits filed. The agency emphasizes that employment decisions, including separations, must be applied consistently across the workforce to avoid claims of discriminatory treatment.

Ensuring a structured, well-documented process is carried out fairly, defensibly, and in compliance with company policy and applicable law is one of the most important protections you can provide your business.

## > Avoid Firing “On the Spot”

Managers may have the authority to send an employee home for the day, but termination decisions should not be made unilaterally or impulsively.

Consider implementing a policy that requires a second review, such as by HR or senior leadership, to ensure termination decisions are informed, documented, and legally defensible.



# Pre-Termination Checklist: Essential Preparations

A defensible termination begins long before you meet with your employee. Whether you're navigating a longstanding performance issue or a sudden restructuring, the preparation phase is crucial for protecting your business. Use this checklist to align your facts and strategy, so you can enter the conversation with a plan and confidence.

Pre-Termination Checklist	Completed?
<p><b>1</b> <b>Review Employment Agreements, Contracts, and Policies</b></p> <p>Read all relevant employment documents and internal policies to ensure compliance. This includes employment agreements, offer letters, and company policies to confirm any required notice periods, severance provisions, or disciplinary procedures.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Locate and review the employee's signed employment contract and offer letter.</li> <li>• Confirm adherence to company policies on termination, disciplinary actions, and performance management.</li> <li>• Identify any noncompete, nonsolicitation, or confidentiality agreements that may affect the separation.</li> </ul>	<input type="checkbox"/>
<p><b>2</b> <b>Consult Legal Advice</b></p> <p>Employment terminations carry significant legal risk, so consider consulting legal counsel specializing in employment law, especially in cases involving potential discrimination claims, protected employee status, or complex contractual arrangements.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Provide legal counsel with all relevant documentation: performance reviews, disciplinary records, and communications.</li> <li>• Discuss the specific circumstances of the termination to receive tailored legal guidance.</li> </ul>	<input type="checkbox"/>

Pre-Termination Checklist	Completed?
<p><b>3 Document Performance Issues and Disciplinary Actions</b></p> <p>Strong documentation is your organization’s best defense in the event a termination is challenged. Without a clear, dated, and specific paper trail, even a justified termination can be difficult to defend.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Compile all performance reviews, warnings, performance improvement plans (PIPs), and records of policy violations.</li> <li>• Ensure documentation is dated, specific, and includes measurable outcomes or observed behaviors and an explanation of next steps if improvement is not immediate and sustained.</li> <li>• Verify that the employee was given opportunities to improve and understood the consequences of continued noncompliance.</li> </ul>	<input type="checkbox"/>
<p><b>4 Prepare Severance Packages (if applicable)</b></p> <p>If severance will be offered, all terms should be clearly defined, documented, and reviewed by legal counsel before the termination meeting. Giving the employee a complete written package during the meeting reduces confusion and demonstrates a good-faith effort by the organization.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Determine the terms of the severance package, which may include any or all of the following: <ul style="list-style-type: none"> <li>&gt; Notification letter (working and nonworking notice)</li> <li>&gt; Severance period</li> <li>&gt; Benefits</li> <li>&gt; Life insurance</li> <li>&gt; Lump sum payment for accrued vacation</li> <li>&gt; Profit sharing</li> <li>&gt; Stock options</li> <li>&gt; Bonus</li> <li>&gt; Outplacement counseling</li> <li>&gt; Automobile</li> </ul> </li> <li>• Draft the severance agreement in consultation with your HR partner and legal counsel.</li> <li>• Confirm understanding of <a href="#">WARN Act</a> or state-level mini-WARN Act requirements for large-scale layoffs.</li> </ul>	<input type="checkbox"/>

Pre-Termination Checklist	Completed?
<p data-bbox="167 216 636 268"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">5</span> <b>Plan the Termination Meeting</b> </p> <p data-bbox="253 291 1131 396">           How the termination meeting is structured matters just as much as what is said. Planning logistics in advance helps ensure the meeting is focused and professional.         </p> <div data-bbox="256 436 1209 772" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 468 386 495"><b>Action:</b></p> <ul data-bbox="289 520 1036 743" style="list-style-type: none"> <li>• Identify attendees (typically the direct manager and an HR representative).</li> <li>• Choose a private, neutral location for in-person meetings.</li> <li>• Schedule the meeting at a time that minimizes disruption.</li> <li>• Prepare all necessary documentation.</li> </ul> </div>	<div data-bbox="1323 226 1365 268" style="text-align: center;"> <input type="checkbox"/> </div>



> **Managing Potential Escalation**

If you're concerned a termination meeting may escalate, choose a time when fewer employees will be in the office and have a discreet security presence nearby. A quieter environment provides more privacy for the employee and helps de-escalate the energy. Beyond the meeting itself, regular workplace violence training can help your managers recognize warning signs before a situation like this arises.

# Conducting the Termination Meeting

The termination meeting is the moment where preparation meets execution. No matter how solid your documentation is, the way you lead the meeting makes sure the process stays professional. Each element, from the setting and timing to your words and the questions you answer, plays a role in ensuring the meeting is conducted professionally, respectfully, and in a way that holds up to scrutiny.

Termination Meeting Checklist	Completed?
<p><b>1 Choose an Appropriate Time and Location</b></p> <p>Select a private, neutral space where the conversation cannot be overheard. Meetings held early in the week give the individual time to reach out for support, review benefits, and begin a job search before the weekend.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"><li>• Consider important milestones and avoid dates such as the employee’s birthday, work anniversary, or holidays.</li><li>• Choose a time that minimizes operational disruptions and provides the employee the most privacy.</li><li>• Avoid high-traffic areas or open workspaces for in-person meetings.</li><li>• Invite other attendees, such as your HR representative.</li></ul>	<input type="checkbox"/>
<p><b>2 Prepare Before the Meeting</b></p> <p>Spend time preparing a script to help ensure you deliver a clear, professional message that minimizes misunderstandings and legal risks.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"><li>• Gather all documentation for the termination package.</li><li>• Prepare notes or guidelines to follow during the meeting.</li><li>• Be ready to get right to the point.</li><li>• Avoid small talk or pleasantries such as “Good to see you” or “How are you?”</li><li>• Do not use humor or be apologetic.</li></ul>	<input type="checkbox"/>

Termination Meeting Checklist	Completed?
<p data-bbox="167 216 521 268"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">3</span> <b>Deliver the Message</b> </p> <p data-bbox="256 296 1214 394">           Deliver the termination decision clearly, concisely, and professionally. Regardless of the circumstances, never leave the employee with any doubt that the decision is final.         </p> <div data-bbox="256 436 1214 842" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 470 386 499"><b>Action:</b></p> <ul data-bbox="289 520 889 814" style="list-style-type: none"> <li data-bbox="289 520 727 550">• Do not deviate from your script.</li> <li data-bbox="289 571 889 600">• Clearly explain the reasons and actions taken.</li> <li data-bbox="289 621 748 651">• Restate the message if necessary.</li> <li data-bbox="289 672 862 701">• Don't defend, justify, or argue the decision.</li> <li data-bbox="289 722 602 751">• Don't make promises.</li> <li data-bbox="289 772 732 802">• Do not discuss other employees.</li> </ul> </div>	<input data-bbox="1328 226 1365 275" type="checkbox"/>
<p data-bbox="167 905 586 957"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">4</span> <b>Respond to the Employee</b> </p> <p data-bbox="256 978 1081 1045">           Listen actively to the employee's response while remaining calm and professional, restating key points as needed.         </p> <div data-bbox="256 1087 1214 1528" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 1121 386 1150"><b>Action:</b></p> <ul data-bbox="289 1171 1170 1499" style="list-style-type: none"> <li data-bbox="289 1171 727 1201">• Allow the employee to respond.</li> <li data-bbox="289 1222 1084 1289">• Listen respectfully without signaling any willingness to reverse the decision.</li> <li data-bbox="289 1310 748 1339">• Restate the message if necessary.</li> <li data-bbox="289 1360 678 1390">• Clarify the termination date.</li> <li data-bbox="289 1411 889 1440">• Try not take the employee's anger personally.</li> <li data-bbox="289 1461 1170 1491">• Avoid empty phrases like "You will be fine" or "I know how you feel."</li> </ul> </div>	<input data-bbox="1328 911 1365 959" type="checkbox"/>

Termination Meeting Checklist	Completed?
<p data-bbox="167 216 699 268"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">5</span> <b>Provide Necessary Documentation</b> </p> <p data-bbox="253 291 1211 506">           Prepare all documentation in advance to present during the meeting. Check state laws in the location your employee is based for state-required documentation to include in a separation packet — such as an unemployment insurance notice or separation notice. Providing everything in writing minimizes misunderstandings and gives the employee a resource to reference later, when they can better process the details.         </p> <div data-bbox="253 548 1211 1199" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 579 386 606"><b>Action:</b></p> <ul data-bbox="289 632 1166 1167" style="list-style-type: none"> <li data-bbox="289 632 1052 699">• Present the letter of termination, which should clearly state the effective date and separation reason.</li> <li data-bbox="289 722 1166 863">• Provide information regarding final pay, including the timing of the last paycheck, payout of accrued but unused vacation (if applicable), and any outstanding benefits. Check state laws where your employee is based for specific documentation requirements.</li> <li data-bbox="289 886 1141 989">• If applicable, present the severance agreement with clear written instructions on the review period, signature requirements, and any deadlines or periods of revocation.</li> <li data-bbox="289 1012 954 1079">• Furnish COBRA election information (if applicable), including coverage timelines and premium costs.</li> <li data-bbox="289 1102 987 1167">• Provide state-specific information on how to apply for unemployment insurance benefits.</li> </ul> </div>	<input data-bbox="1325 228 1365 270" type="checkbox"/>
<p data-bbox="167 1260 492 1312"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">6</span> <b>Close the Meeting</b> </p> <p data-bbox="253 1335 1089 1402">           Conclude the meeting promptly and professionally to maintain clarity and professionalism.         </p> <div data-bbox="253 1444 1211 1822" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 1476 386 1503"><b>Action:</b></p> <ul data-bbox="289 1528 1157 1787" style="list-style-type: none"> <li data-bbox="289 1528 862 1556">• Review next steps in a straightforward way.</li> <li data-bbox="289 1579 786 1606">• Close the meeting within 15 minutes.</li> <li data-bbox="289 1629 1141 1696">• Escort the employee to gather personal belongings before leaving or escort the employee directly to the exit.</li> <li data-bbox="289 1719 1157 1787">• Arrange for personal belongings to be delivered to their home later that day/week.</li> </ul> </div>	<input data-bbox="1325 1270 1365 1312" type="checkbox"/>

## > How to Conduct Termination Meetings for Remote Employees

Video conferencing is the best option for remote separations. It allows you to pick up on subtle, nonverbal cues that are missed on phone calls, helping you navigate the conversation with more empathy.

### Keep these additional tips in mind:

- 1 Schedule the call during business hours and invite an HR representative to attend.
- 2 Prepare the termination package in a digital format that you can easily share with the employee.
- 3 Ensure you and the HR representative log on at least five minutes early so the employee does not have to wait.
- 4 Conduct the call in a professional environment.
- 5 Confirm the employee is joining the call from a private location.
- 6 Share your screen when discussing details in the termination package. If possible, have key areas highlighted in the text for easy reference.
- 7 Coordinate the return of company equipment, such as laptops, phones, or access devices.
- 8 Email a copy of the termination packet to their preferred personal email address at the end of the call.

### Tips on Clearly Stating the Reason for Termination

Clarity is essential in a termination meeting. Vague language creates confusion, invites debate, and can be used against your organization later.

For performance-based terminations, avoid apologizing. Saying “I’m sorry” can create confusion and make it seem like you’re second-guessing the decision.

However, in a no-fault layoff, it’s acceptable to acknowledge how difficult the situation is, as the employee isn’t at fault for the job loss. It remains important, though, in these situations to avoid indicating you doubt or disagree with the decision.

#### Example statement:

**“I want to be direct with you. We are ending your employment with the company, effective [date]. This decision is based on [brief reason]. This decision has been reviewed and approved by HR and leadership, and it is final. I would like to walk through the next steps and provide you with information about your transition.”**

## Address Employee Questions and Concerns Clearly and Directly

Questions are almost guaranteed — and your responses carry significant weight. Provide consistent, measured responses to protect your organization and treat the employee with respect.

If you are unsure how to answer questions related to benefits, final pay, or unemployment, avoid speculating. Instead, refer the employee directly to HR. These sample responses from common termination scenarios can be adapted to reflect your organization's specific policies.

**Q** "Why was I selected?"

**A** This decision was based on several factors, including job skills, work experience, company needs, and performance. It was carefully reviewed and approved by leadership and HR.

**Q** "Who made the final decision?"

**A** I made the recommendation, but the decision was reviewed and approved by leadership and HR before this meeting.

**Q** "What options do I have?"

**A** You are welcome to request a meeting with senior leadership, but I want to be transparent that this decision was thoroughly reviewed before today, and the outcome is unlikely to change.

**Q** "Can I continue working for a period of time?"

**A** At this time, we are moving forward with today as your last day. HR has resources available to help you with next steps and support during this transition.

**Q** **“Can I be rehired?”**

**A** If you are eligible for rehire, that information will be noted in your file. That said, I would encourage you to focus your efforts on opportunities outside the company.

**Q** **“How will references be handled?”**

**A** Our policy is to confirm dates of employment and job titles only. HR can walk you through the details.

**Q** **“I want to speak with your manager.”**

**A** You are welcome to request that conversation. I do want you to know that they are fully aware of and support this decision.

**Q** **“Why can’t I be considered for another role?”**

**A** Every effort was made to explore alternatives before arriving at this decision.

**Q** **“I am not comfortable discussing this without my attorney present.”**

**A** You are absolutely within your rights to have legal counsel involved. I do encourage you to keep your meeting with HR today to review your separation package, as there are time-sensitive items to be aware of.

**Q** **“How could you do this after everything I have given to this company?”**

**A** This was a business decision, and it was not made lightly.

# Post-Termination Checklist:

## Administrative and Legal Steps

After the meeting ends, your role in managing a professional departure continues. The steps you take now are critical for a smooth handoff. Use this checklist to help you stay organized and accurate, ensuring the company is protected, and the employee gets what they need for their transition.

Post-Termination Checklist	Completed?
<p><b>1 Final Paycheck and Benefits Information</b></p> <p>Process the final paycheck in accordance with state law based on where the employee works, as some states require immediate payment. Provide clear documentation for any payouts of accrued but unused vacation time, commissions, and bonuses.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"><li>• Calculate and issue the final paycheck, including all earned wages and accrued vacation.</li><li>• Provide detailed information on the cessation of employer-sponsored benefits.</li></ul>	<input type="checkbox"/>
<p><b>2 Revoke Access to Company Systems</b></p> <p>Often overlooked or delayed, this critical step should be completed on or before the employee's last day.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"><li>• Disable network accounts, email, and software access.</li><li>• Change relevant passwords if shared access is present.</li><li>• Deactivate building access cards and remote access tokens.</li></ul>	<input type="checkbox"/>

Post-Termination Checklist	Completed?
<p data-bbox="167 216 626 268"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">3</span> <b>Return of Company Property</b> </p> <p data-bbox="256 291 1203 359">Collect and account for all company-owned property, such as a badge, laptop, cell phone, or credit card, before the separation is finalized.</p> <div data-bbox="256 401 1211 814" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 432 386 457"><b>Action:</b></p> <ul data-bbox="289 485 1166 779" style="list-style-type: none"> <li data-bbox="289 485 1166 552">• Provide the employee with a written list of all company property to be returned.</li> <li data-bbox="289 573 1166 598">• Collect property from in-office employees on or before the last day.</li> <li data-bbox="289 619 1166 686">• Arrange collection logistics, whether via courier or prepaid shipping, for remote employees.</li> <li data-bbox="289 707 1166 774">• Confirm in writing that all property has been accounted for once returned.</li> </ul> </div>	<input data-bbox="1328 226 1365 268" type="checkbox"/>
<p data-bbox="167 871 786 924"> <span style="border: 1px solid black; border-radius: 50%; padding: 2px 6px;">4</span> <b>COBRA and Health Insurance Information</b> </p> <p data-bbox="256 947 1175 1087">Employees who lose employer-sponsored health coverage due to termination have the <a href="#">right to continue coverage under COBRA</a>. Some states also have mini-COBRA laws with different requirements and varying employer-size thresholds.</p> <div data-bbox="256 1129 1211 1438" style="background-color: #e0f2f1; padding: 10px; border-radius: 10px;"> <p data-bbox="289 1161 386 1186"><b>Action:</b></p> <ul data-bbox="289 1213 1166 1402" style="list-style-type: none"> <li data-bbox="289 1213 1166 1318">• Furnish the <a href="#">official COBRA election notice</a> and relevant forms within 14 days of the qualifying event, as required by the Department of Labor, and state-required notices, if applicable.</li> <li data-bbox="289 1339 1166 1402">• Provide information on the timelines and premium costs for continued coverage based on state and federal requirements.</li> </ul> </div>	<input data-bbox="1328 884 1365 926" type="checkbox"/>

Post-Termination Checklist	Completed?
<p><b>5 Unemployment Benefits Information</b></p> <p>Regardless of the separation reason, the employee may be entitled to unemployment insurance, if applicable under state law.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Provide state-specific information on how to apply for unemployment insurance.</li> <li>• Be prepared to respond accurately and truthfully to inquiries from the state unemployment office.</li> </ul>	<input type="checkbox"/>
<p><b>6 Update Internal Records</b></p> <p>Keep internal systems current to maintain accurate payroll, benefits, and personnel records. These steps help ensure compliance with recordkeeping requirements.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Update HRIS (Human Resources Information System) and payroll systems.</li> <li>• Maintain the employee’s personnel file in accordance with retention policies.</li> </ul>	<input type="checkbox"/>
<p><b>7 Communicate Internally (if necessary)</b></p> <p>When appropriate, distribute a brief internal announcement to help maintain focus, manage uncertainty, and signal to the remaining team that leadership has a plan for moving forward.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Draft a concise internal announcement, if appropriate, that addresses the departure without disclosing the reasons for termination.</li> <li>• Focus messaging on the reassignment of responsibilities and relevant steps for the team, not on the separation circumstances.</li> </ul>	<input type="checkbox"/>

# Legal Compliance and Best Practices in Employee Terminations

While employee terminations are never easy, a proactive approach to compliance is your best tool for smooth separations. Implementing policies and procedures that are aligned with HR best practices shields your organization from risk and makes the termination process more manageable.

Below are key principles to help protect your business.

## Avoiding Wrongful Termination Claims

Wrongful termination claims are costly and time-consuming, but they are often avoidable.

“Preventing wrongful termination claims comes down to being consistent, keeping good documentation, and making sure there’s a solid, legitimate reason behind every termination decision. When documenting, avoid vague or subjective language and focus on clear facts, specific examples, and defined expectations.”

*Susan Crowder,  
G&A Partners HR Manager,  
Strategic Services*

The following best practices are essential:

- ▶ **Implement and apply clear policies:** Maintain an up-to-date employee handbook that outlines your organization’s policies, disciplinary procedures, and expectations for employee conduct. Then ensure your team is consistently applying these policies for all employees.
- ▶ **Maintain documentation:** Verbal warnings, employee performance reviews, disciplinary actions, and termination reasons should be thoroughly documented. “Keep objective, time-stamped records of performance concerns, policy violations, coaching conversations, and improvement plans,” says Crowder.
- ▶ **Provide manager training:** Your managers are your first line of defense. Educate them on company policies, how to recognize legally protected situations, when to escalate to HR, and how to properly handle terminations.
- ▶ **Consider timing:** A termination that occurs shortly after an employee engages in a protected activity, such as filing a complaint or requesting leave, can create an inference of retaliation that is difficult to overcome, even if the termination reason is legitimate.
- ▶ **Follow up with terminated employees:** This creates goodwill and opens the door for discussions about lingering questions, which can go a long way toward preventing knee-jerk lawsuits.



## Ensuring Fair and Consistent Treatment

Apply the same performance standards, disciplinary procedures, and termination processes to every employee, regardless of role, tenure, or background. Even a hint of favoritism or inequity significantly increases legal risk.

When you can point to a consistent record of how similar situations have been handled, it strengthens your defensibility of termination decisions. Regularly auditing termination patterns across departments and demographics also proactively helps you identify and correct inconsistencies before they become liabilities.

## Maintaining Confidentiality

Confidentiality in a termination is a legal obligation and a professional responsibility. Only share details surrounding a separation, including the termination reason, disciplinary history, and severance terms, with those who have a legitimate need to know.

Breaching confidentiality, even unintentionally, can expose your organization to defamation claims and erode trust with your remaining team. Train managers on disclosure boundaries, establish a clear reference policy, and review any internal communications about a departure before they are sent.

# How PEOs Help Guide Businesses Through Separations

Employee terminations are among the most sensitive and emotionally complex situations your business will face. Between the strict legal requirements and the weight of the termination meeting itself, there's significant room for error. For smaller teams without a full-time HR department, navigating these complexities can feel overwhelming, but having a clear roadmap makes all the difference in protecting your business.

As a professional employer organization, G&A Partners works alongside your leadership team to help ensure every separation is handled consistently, compliantly, and professionally. From guiding you through difficult conversations to ensuring post-termination obligations are met, we help reduce risk at every stage of the process.

To learn more about how we can support your business, [contact G&A Partners today.](#) ►

