



## *“IT’S OK TO SAY... YOU’RE FIRED!”*

**According to the Society for Human Resource Managers (SHRM):**  
“HR Consulting is the practice of delivering all aspects of human resource management as an external provider, and with the professional and business issues associated with operating such a practice – including client development, contracts and client management.”



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OK - I admit it - I'm a fan of "The Apprentice" (under its original leadership.) Yes, it's true. Stop and think about the show: if the contestants don't perform, they are fired. They are always provided with the opportunity to explain their decisions and present their position as well as defending their work. However, if they are unable to convince the people around the Board table that their decisions were sound, they are gone. "You're fired." Emotional, a difficult message to hear, but if they are unable to explain their decisions to the satisfaction of their leaders, why SHOULD they stay? Simple, right? I hear you - "but that's Hollywood Karen. It's not that easy."

My challenge to you is - WHY isn't it that easy? If someone is not performing to your expectations and they are unable to make their position understood then my question back to you is WHY are they still working for you? Harsh yes but life isn't reality TV and not every story can have a happy ending that wraps up in 1 hour or 13 episodes. Really, if you've done your job as a Leader, it IS ok to say..."You're fired."

### *Simplifying the Process*

Even in employment-at-will situations, you want to be sure you can quickly and adequately show WHY an employee lost their job. Preparation in advance of the decision helps you be well prepared to defend against erroneous charges of wrongful termination and/or discrimination. A few simple steps done early in the process and on-going through the management of employee issues can make you more confident in your decision (not more comfortable but definitely more confident) and save you valuable time, effort, energy and resources down the road.



## 1) EXPECTATIONS

As a leader, you have a responsibility to your employees to make sure they understand their tasks and responsibilities. Remember, their common sense is not the same as yours. If they stray, and they will, you have a responsibility to advise and coach. Correct them and reiterate your expectations. It's never a comfortable discussion but it is a necessary discussion.

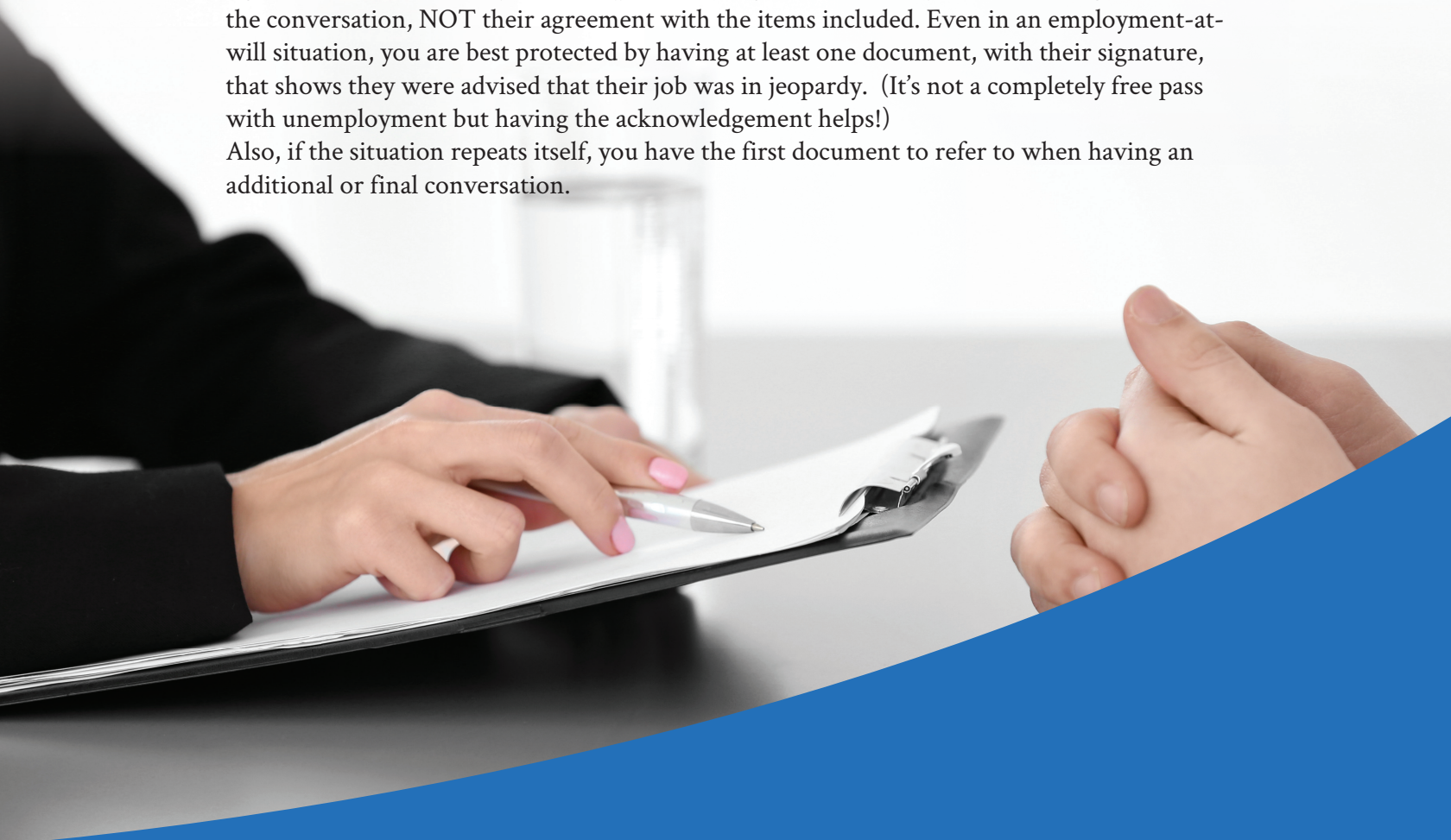
Employees don't read minds. You can tell me all you want that "they know what they're supposed to do". My response back to you will always be "are you 100% sure they are crystal clear about your expectations? 100%?" Remember, that's YOUR job - making sure they know and, then follow through to reinforce or correct.

Only one of three things will happen: the employee will improve, the employee will leave on their own or the employee will not improve and will make your decision for you.

## 2) DOCUMENTATION

In real estate, it's location, location, location. In HR? Documentation, documentation, documentation! Remember that expectations "chat" you had with the employee? Be sure the employee remembers as well by documenting the conversation, what you agreed upon and what next steps will be IF change does not happen. If termination may be the result of the next infraction, make sure you include that in the documentation. Then, have the employee sign whatever document you developed - their signature is merely an acknowledgement of the conversation, NOT their agreement with the items included. Even in an employment-at-will situation, you are best protected by having at least one document, with their signature, that shows they were advised that their job was in jeopardy. (It's not a completely free pass with unemployment but having the acknowledgement helps!)

Also, if the situation repeats itself, you have the first document to refer to when having an additional or final conversation.



### 3) POLICIES AND PAST PRACTICES

So, what have you done before when similar issues have arisen? It's important to check for consistency and make sure you can demonstrate either a) this is what we always do or b) we treated this differently BECAUSE ... Remember, we want to be ready at any point in the process to demonstrate the actions were taken for business reasons, NOT personal ones.

Are we following our own policies? Consistently? Nothing will trip you up faster or confuse employees more than applying some of your policies with some people sometimes.

The last question here - does the punishment fit the crime?

### 4) REVIEW ALL THE FACTS

"Facts" being the operative word here - remove as much emotion from the decision as humanly possible. This may even involve taking another day to consider all your options. If you need to remove the employee from the environment, that can be accomplished merely by a "suspension pending the outcome of the investigation." (A note here on emotion - terminations are highly emotional situations, even with the employee who so clearly deserves to be terminated. Empathize but don't sympathize with them - YOUR words are representing the company and you don't want to be called as a witness for the employee.)

A person in a white shirt is writing the words "POLICIES AND PROCEDURES" on a whiteboard. The person's hands are visible, holding a white marker. The background is a blurred office setting. The text is written in a casual, hand-drawn style.

POLICIES AND  
PROCEDURES



## 5) REVIEW WITH A HIGHER UP

Unless you're the top dog, it's always a best practice to review the facts and the documentation with a superior in the organization. First, superiors don't like to be surprised by a call from Susie that she was just terminated and how could that have happened?!?! Secondly, it's yet another method of removing the emotion from the situation. If you can concisely sum up the facts and provide supporting documentation to your boss, you will certainly be able to do so with unemployment referee or another regulatory agency representative.

## 6) DON'T WAIT

It does not get any easier just by putting time between the decision and the execution (so to speak.) You also run the very real risk that the employee will hurt themselves at work and then you have a whole new set of concerns to deal with before termination.

In summary be sure you can answer these questions so you're confident "It's OK to Say... You're Fired!"

1. Were expectations crystal clear?
2. Does my documentation truly put the employee on notice?
3. What have we done before? Is this consistent OR can I document why it's different?
4. Have I removed as much emotion from the decision as possible? I can state affirmatively that this is the best decision for the business?
5. Can I defend my decision to my boss?
6. Am I prepared to move forward quickly?

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