

## Is It Safe to Fire This Employee?

At some point in time all business owners and managers will have to decide if it's safe to terminate an under-performing employee. These situations happen for a variety of reasons and, in many cases, the underperformance is not due to a lack of effort or expertise on the part of the employee. **Sometimes it's just a lack of "fit."**

**STREAMLINE CXO** believes that answering four simple questions will make this process easier to manage and also provide the firing manager with a higher degree of assurance that the decision will be fair and legally defensible.

### 1. Is the employee failing to meet reasonable performance expectations?

This seems like an obvious question but it's one that must be asked. It's not uncommon for employers to terminate an employee simply because they don't get along with their coworkers. Certainly, there will be times when an employee's inability to work effectively with others will provide just cause for termination. In most cases, your basis for terminating an employee will be the employee's failure to meet objective performance expectations. Your performance expectations should be clearly defined for each position and they should be reasonable. If and when you are compelled to talk with an employee about their failure to adequately perform, **you'll want to make certain that you can objectively show how their performance has been deficient.**

### 2. How long has the poor performance been a problem?

Generally, one or two instances of inadequate performance are insufficient cause for concern or significant remedial action on the part of the employer, especially termination. However, consistent underperformance with little or no effort on the part of the employee to correct the problem is a legitimate cause for concern and possible management action. Another issue is the level of employee engagement. **Disengaged employees may exhibit traits like:**

- ✘ being late or not showing up for meetings,
- ✘ making excuses,
- ✘ being uncommunicative with supervisors and fellow employees, or
- ✘ spending more time rationalizing the failure to perform a task than finding the time and energy to do it correctly and on time.

### 3. Have you documented the underperformance and notified the employee?

One of the biggest mistakes an employer can make is to improperly document performance deficiencies. A common complaint by Human Resources Managers is that they are frequently asked to "bless" an employee termination when there is little or no written documentation to justify the decision. To a certain extent, this is understandable. Frontline supervisors are busy and frequently deal with underperformance with undocumented sidebar conversations instead of formal written warnings and

documented performance discussions. It's extremely important for managers to not only document and discuss performance deficiencies, but to also advise employees of the potential repercussions for failure to meet performance expectations going forward. **Employees should always sign and date corrective action documentation.**

#### **4. Was the employee given sufficient time and developmental resources to improve?**

Rome wasn't built in a day and most performance improvement plans will also take time to implement effectively. If you have properly documented deficient performance as stated above, you should have also provided the employee with a performance improvement action plan. **These plans should be detailed in terms of what is to be accomplished and when that process should be completed.** Quite often the implementation of a performance improvement plan will require employer-provided resources such as additional training or work tools. In order to ensure the successful completion of a performance improvement plan employers must be prepared to supply the resources the employee will need to be successful.

#### **Summary**

**Deciding to terminate an employee is a difficult and often emotional event.** You will always want to approach these decisions with a high degree of professionalism and compassion. Few people want to fail but, inevitably, some will. Before you make that final decision to end someone's employment you'll want to make certain you have adequately considered these four important questions.

**STREAMLINE CXO** is responsible for providing the essential support our clients need to ensure their compliance with IRS and DOL laws and regulations.

Our goal is to deliver a preventive approach to employment situations and ensure these approaches are managed appropriately. If you have questions about our services, or **IS IT SAFE TO FIRE THIS EMPLOYEE**, please contact us.