

Best Practices for Delivering a Termination Message

- **Time the decision to allow for privacy.** Plan the termination meeting for a time when there will be few interruptions, possibly before or after the normal workday. Choose a private meeting location out of the view of office traffic.
- **Prepare for and rehearse delivery of the message.** The message to the employee should be prepared and rehearsed before the actual meeting. A written outline or list of talking points can help ensure that you fully explain important points.
- **Have a witness.** It is best to invite an additional member of management to assist in note-taking and to act as a witness to any comments or questions that arise at the meeting. This allows the person in charge of the meeting to focus her or her full attention on getting the message across effectively.
- **Be direct.** Make the necessary points without making excuses or minimizing the reason for the decision. Do not elaborate to justify or defend the decision.
- **Avoid arguments or debates.** Do not enter into any argument or debate regarding the decision. Listen to concerns and questions, but stick to reiterating points made in the script without appearing condescending or evasive.
- **Don't use platitudes or praise.** Do not tell the employee "I know how you feel" or make the news positive, as in "this is a real opportunity for you." Do not apologize for the decision. Avoid praising the employee's work or contribution. Do not say that the employee has "contributed to the success of the organization" or "has been a valued member of the team," etc.
- **Respond to specific questions only if you are certain of the answer.** It is advisable to respond "I don't know" or "I'm not sure" to any questions if you are not certain how to respond.
- **Do not make reference to protected categories.** Because it has no bearing on the separation decision, do **not** make any references to the employee's age or any other protected classification. Do **not** use clichés such as "it's time for a change" or "we need new blood" because these can be misinterpreted. Stick to the established business rationale and keep the meeting short.
- **Respond to allegations of discrimination.** If the employee asserts that age or any other protected classification was a factor in the termination, tell him/her that the business reasons already explained, **not** any protected classification, led to the company's reason for termination. Document the specifics of any claims mentioned, but you should not ask follow up questions in the meeting to get more information. Instead, reiterate the business reasons for the termination, but nothing more.

Responses to Potential Questions

Q. Why aren't I being given information about your assessment of me and an opportunity to address any concerns you may have?

A. The company has made this decision and it would not be productive to discuss revisiting it.

Q. This is not fair. My performance is stellar.

A. It would not be beneficial or productive to further discuss the reasons for your termination. We will not debate those reasons today.

Q. With whom should I speak if I disagree with the decision?

A. This is a final decision and it will not be reconsidered.

Q. Will you be announcing that I have been terminated?

A. We will only inform employees who need to know that you will be separating from employment.

Q. Can I get the reasons for my termination in writing?

A. No.

Q. Will I be able to get a reference so I can apply to another outside company?

A. The Company does not provide references to employees regardless of the reasons for their separation. If there are any reference inquiries from other companies, it is our policy to only verify dates of employment.

Q. What about my benefits?

A. Your coverage under the applicable benefits plan will continue until the end of the month in which your employment terminates. You may elect to continue your coverage through the plan under COBRA. You will receive a notice regarding your rights and obligations under COBRA. With respect to [other plans that employee participates in], each plan's terms will govern your benefits.

What to Do After the Meeting

- **Develop a Plan for Logistical and Administrative Issues.** For example, terminating IT and building access, resignations from any positions with affiliates, changes to control over accounts, or redirecting notices addressed to the employee.
- **Coordinate the Return of Company Property.** Prepare a checklist of any company property that the employee has and is expected to return. At some point during the termination process, review these items with the employee to make certain there is no misunderstanding about what has to be returned and by when.
- **Consider a Communications Plan.** Plan what you will say to other members of the organization and avoid discussing individual termination decisions. Assume that what you say to co-workers will be repeated to the affected employee. So, be dignified, clear and brief. Do not make inappropriate and/or unnecessary statements.
- **Plan for References.** Refer all reference requests to yourself or the appropriate contact. Requests for references should be in writing, as should the response, which should consist solely of verification of title, salary and dates of employment.
- **Arrange Final Payments.** Confirm proper payment of and withholdings on final salary, severance, any accrued vacation, etc., through payroll systems.