### Termination for Cause Review

On rare occasions an employee's overall performance or a single major violation of conduct may justify involuntary termination for cause. Below is a checklist employers should follow before terminating an employee who has engaged in misconduct:

* Thoroughly investigate and review the facts. If action is required after a major incident, walk away from the situation for a brief cool down period before making any important decisions. If suspension of the employee is necessary to allow time for the investigation, then consider that alternative.
* Allow time for all parties to review the details of the situation.
* Find and obtain statements from witnesses, if applicable.
* Talk with the employee to get his/her perspective.
* Obtain and review all related current and prior documentation.
* Outline the facts of the most recent situation.
* Examine the employee's previous discipline history.
* Examine records of employees with similar infractions and compare the discipline imposed then with the disciplinary action considered now.
* Determine if the employee is in a protected class. If so, determine if there has been disparate treatment (intentional) or treatment that has resulted in disparate impact (not intentional, but nevertheless discriminatory) for this employee.
* Review the facts of the investigation with an objective third person.
* Pinpoint the basis for the possible discharge.
* Determine if the discharge violates any federal or state laws.
* Discuss your decision with an HR professional, employment attorney, corporate council, or final decision maker.
* Determine the best time and place and carry out the discharge calmly, in a direct but compassionate manner. Consider including a witness in the meeting, if appropriate.
* Document what was said and what was done at the termination meeting.