The Termination Event: Don't Screw it Up

Presented by
Michael S. Cohen, J.D.

BB20
5/4/2018
2:15 PM
The Termination Event – Don’t Screw It Up!

presented by
Michael S. Cohen, Esq.
mcohen@duanemorris.com
(215) 979-1882
Twitter: @Cohen_HR_Law

Termination Event

1. Approval process
   a. Role of HR/Administrator
   b. Resolving disputes without making admissions
Termination Event

2. Classify the termination decision
   a. Discharge
   b. Job elimination

Termination Event

3. Where?
   a. Confidential area
   b. Uniform safety precaution – escape route
Termination Event

4. When?
   a. If possible, avoid Friday
   b. End of day, preferable

5. Witnesses?
   a. Ordinarily, one witness: usually, HR/Administrator representative

6. Documentation
   a. Memo to file indicating general reason for termination
   b. Memo to the employee (depending on the circumstances)
Termination Event

7. Termination event discussion
   a. Manager
      i. Statement that employment will terminate
      ii. Date of termination
      iii. General reason for termination
   b. Human Resources/Administrator
      i. Focus on post-termination issues
      ii. Intervene if necessary

Termination Event – Things Not to Say (or Do)

1. We had no choice but to terminate your employment
2. I’m sorry
3. It had nothing to do with your performance (when it did)
4. You have no one to blame but yourself; you didn’t try hard enough
5. I know how you feel
Termination Event – Things Not to Say (or Do)

6. Someday you will thank me when you find a job that matches your gifts
7. Pardon the impersonal nature of this e-mail, but you are fired
8. I didn’t want to send you an impersonal e-mail so I wanted to leave you a personal voice mail letting you know that you are fired
9. This is harder on me than it is on you

Thank You!

Please follow me on Twitter @Cohen_HR_Law
1. Michael S. Cohen concentrates his practice in the area of employment law training and counseling. Mr. Cohen has trained and counseled employers throughout the country on subjects including: Employee Handbook, workplace discrimination and harassment, workplace bullying and misconduct, performance management, FLSA, and ADA compliance. Issues of retention, performance management, and developing positive employee attitudes are also pursued in his practice. Mr. Cohen has spoken on the following topics: "Conducting Internal Investigations," "Managing Diversity and Inclusion," "HR Consulting," "Documenting Employee Conduct and Discipline," and "Devaluing Diversity and Creating an LGBTQ Environment." Mr. Cohen’s presentation has been featured at the Administrative, Compliance, and Employment Conference, the American Immigration Lawyers Association, the SHRM National Legislative and Talent Management Conference, the National Employment Law Conference, the Akron Times-Dispatch, the Philadelphia Inquirer, the Syracuse Post Standard, the Star-Ledger, the Florida Courier, the Arizona Daily Star, the Cleveland Plain Dealer, the Business Insurance, and the Star Ledger. Mr. Cohen has also counseled clients on sexual harassment, discipline, and ADA compliance.

2. Admissions: Pennsylvania, New Jersey

3. Education:
   a. Temple University/Broady School of Law, J.D., magna cum laude, 1997

4. Selected Speaking Engagements:
   f. Speaker, "Managing Diversity," and "Training on LGBT and LGBTQ Friendly Workplace Environment," SHRM Diversity Conference, Boston, Massachusetts, October 1, 2015
   g. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   h. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   i. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   j. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   k. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   l. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   m. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   n. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   o. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   q. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   r. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   s. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   t. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   u. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   w. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   x. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   y. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   z. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
   aa. Speaker, "Managing Employees in the Workplace," Association of Legal Administrators National Conference, Toronto, Ontario Canada, April 21, 2017
Your opinion matters!

Please take a moment now to complete the evaluation.

Thank You!