

TITLE: "FIRING EMPLOYEES ISN'T FOR SISSIES"

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*"If we lived in a perfect world, there wouldn't be
a need for managers.."*
- Bryce's Law

INTRODUCTION

I recently had a good friend experience a troubling termination of an employee. This was for a national retail distribution company where my friend serves as Sales Manager for one of the company's regional outlets. The problem centered on a young (thirty-ish) salesman who was well trained but acted like a loose cannon, e.g., policies and procedures weren't always followed, and he was caustic and abrasive with customers and suppliers alike. This inevitably resulted in some serious customer relations problems for the company. On more than one occasion, my friend was called in to bail out the salesman. His conduct and attitudes were well documented in his performance reviews and my friend went beyond the call of duty to counsel the salesman. Regardless, the salesman recently insulted a young female supplier by using the legendary "f****" word on the telephone (along with several other choice expletives). Not surprising, this traveled up and down the management chain of command until it finally landed on the desk of the Sales Manager who was told to fire the salesman. Dutifully, my friend called him into his office, explained the situation, and gave the salesman the option of allowing him to either resign or be terminated. The salesman flew into a rage and called the Sales Manager every name in the book and came close to exchanging blows with him. It was very ugly.

I talked with my friend at length about the incident and told him if he was guilty of anything, it was that he was too kind and too often gave his people the benefit of a doubt. Whereas he always hopes for the best from an employee, I generally expect the worst and am pleasantly surprised when things work out. In other words, they have to earn my respect; they cannot take it for granted. This got me thinking about how we terminate

employees these days. In the old days, if you screwed up, you were fired on the spot and shown the door. No questions asked; it was a done deal. But in today's litigious society, managers have to be more careful or face a costly lawsuit.

I remember firing my first employee several years ago. Even though I hadn't hired the person, it was my duty to terminate him. The night before the termination, I agonized over how I would do it and what I would say. My stomach flipped-flopped and I definitely did not look forward to doing it. Nonetheless, the next day I called the employee into my office, explained his services were no longer needed, and let him go. In hindsight, I'm sure it was less than perfect, but I somehow got through it (and had a stiff drink afterwards). Since then I have had to terminate a fair share of people over the years. I no longer get upset over it and have learned a few things along the way. Perhaps the biggest lesson is that firing employees isn't for sissies. There are not many things worse a manager can do than botching a firing. We laugh at Donald Trump saying, "You're fired," on television, but that is a rigged situation where contestants already understand there is going to be only one survivor. In the real-world, a termination affects a lot of people other than the employee and yourself; it affects the employee's co-workers, family and, in the situation described above, customers and vendors. Firing an individual requires great skill and, as far as I'm concerned should be left to professionals.

BACKGROUND

There is a big difference between firing a person and letting a person go. Whereas the latter could be the result of work stoppages, the former is due to the performance of the individual. As such, this article is primarily concerned with firing. From the outset understand this, keeping a poor performer employed is a disservice to the company, the co-workers, you (the boss), as well as the individual. As mentioned in the beginning, a poor performer causes co-workers and/or the boss to work overtime to cover for the employee. Consider this though, it hurts the individual who is either unskilled for the job or has risen above his level of competency. This type of person has hit a "dead-end" in his career and it is unfair to keep him in a position where you know he will undoubtedly fail. Let him get on with his life in another capacity where he might succeed.

Prior to any firing, a paper-trail is required to document the person's performance. An Employee Performance

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Evaluation (or "Review") should be conducted routinely, particularly in the early stages of employment. Such a Review should highlight both the person's strengths and weaknesses giving the boss an opportunity to offer advice to the employee on how to better himself. Very important, have the employee read the Review carefully and SIGN IT. Thereby, the employee can never say he was unaware of any problems.

If the employee is struggling and you have to put him "on notice" (either improve or face termination), this should be written into the Review as well. More importantly, if you put a person "on notice" be sure to follow the worker's progress carefully, not only to make sure he is improving, but to see if he is preparing to bail out on you.

PREPARATIONS

Assuming you have adequately documented the employee's performance and you are convinced you have just cause to fire him, now it is time to properly prepare yourself:

1. First, you may need to get permission from your superior or someone in Human Resources to fire the person. Be prepared to give a detailed reason for terminating the employee and be able to substantiate your claim. This makes for a convenient rehearsal for the firing.
2. Consider the person's current work assignments and what affect his firing will have on your department (co-workers, vendors, customers, delivery dates, etc.). Even if a person is working on something critical for the company, and it is absolutely necessary to terminate him, do not let the employee hold his job hostage. Even if you kept the person, there is no telling whether his work would ever be completed to your satisfaction. If he has to go, he has to go. Do not procrastinate.
3. Determine an exit strategy. To minimize disrupting the work of others, determine a proper time and date to terminate the employee. More people are fired on late Friday afternoons than any other time or day of the week. Why? Simple. It is the end of the work-week and people are more interested in going home than listening to someone being fired. By Monday, the person will already be a memory.

Psychologists might suggest Monday mornings are a better time for terminations as opposed to Fridays, simply because the employee won't have time to think about it over the weekend and become despondent or irrational. As for me, I am a Friday man as I don't want this to

weigh too heavily on the staff.

In preparing for the employee's exit, consider what corporate paperwork is involved (see Human Resources), what keys, locks, badges, computer passwords may need to be changed, and back up the employee's computer files. Under no circumstance should the employee be allowed to touch his computer after being dismissed; there is no need to invite sabotage.

Select a witness to attend the termination meeting (this should be done in all cases regardless if you are expecting a hostile firing or not). Even better, be prepared to record the termination if possible in case it is needed in a court of law.

If necessary, have a box prepared for the employee to empty his desk.

DO IT PROFESSIONALLY

Now the hard part; actually terminating the employee. Now you have to prepare yourself psychologically. If you go into it with any emotions (guilt, anger, sympathy), you are doomed to fail. Always remember you are an emissary of the company, not an individual with a vendetta. It is hard to be cold in situations like this, but you have to be well organized and in the proper state of mind to pull this off. Ideally, the objective should be that the employee being terminated comes away from the dismissal knowing he had been fired by a pro, not a clown.

Just prior to the dismissal, talk to your witness and let him/her know what you are about to do and what will be expected from the witness during the termination (which should be to simply observe and not to speak during the firing).

When ready, invite the employee into a private room, preferably away from the co-workers. Be cordial but avoid idle chit-chat as it is not relevant at this point. Inform the person of the purpose of the meeting and why he is being terminated. It is important the person understand why they are being fired. Some people feel this is unnecessary. I don't for two reasons: First, if a person starts litigation against you or the company, he cannot claim he didn't know the reason for the termination, and; Second, if the person is ever going to improve in the future, he should understand why he is being dismissed.

It is very important you remain in control of the meeting at all times. Stick to the facts and do not waver. The employee will react one of two ways: either surprised by

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the termination (didn't see it coming) or knew it was inevitable. The emotional reaction to the termination may take many forms:

- Grateful it is over (allowing them to move on to something else).
- Understands reasons and accepts it.
- Embarrassment.
- Anger.

Regardless of the emotional reaction to the termination, stay in control of the meeting. Do not show weakness by back-peddling or allowing second chances. Remember, you reviewed the employee's work performance in the past and the employee should have already adjusted his work habits. Providing an employee a second chance at this stage only invites sabotage.

Do not prolong the termination either; keep it short and to the point (do not give him time to think and react). Sympathy is not necessary, nor is gloating. Also, it is not necessary to be apologetic, after all, you have a valid business reason for terminating the employee don't you? Just keep things in a "matter of fact" tone of voice. Again, you represent the company in this capacity; maintain your composure.

If it is necessary for corporate papers to be signed as part of the exit, have the employee sign them at this time. If the employee refuses, have it so noted by the witness. Also explain to the employee how he will receive his final paycheck.

In some situations, it is better to try and get the employee to resign as opposed to being fired. If the person is fired, they are automatically eligible for unemployment (which the company has to ultimately pay). If the person resigns, collecting unemployment is considerably more difficult to obtain (although the government loves to give away your money anyway).

If the employee shows signs of being upset, allow them to regain their composure before exiting the meeting. An emotionally distressed person can have an adverse affect on the staff. It also allows the employee to save face.

POSTMORTEM

Fired employees should clean out their desks of their personal items as soon as possible. This should normally be supervised by someone, preferably not the wit-

ness or the person who just fired the employee. Further, when the employee is gone, make sure the desk is cleaned out to your satisfaction; leave no traces.

Farewells are not necessary and should be discouraged. The less contact the employee has with your staff, the less chance he has of "infecting" your people. Some companies also find it necessary to escort the person off company premises.

Following the termination, prepare a report reviewing the termination which should be filed in the employee's personnel jacket. Keep it factual and to the point (include time, date and the length of the meeting). If the employee made any threats, this should be documented. The witness should also make a similar, but separate, report. Both reports should be simple and to the point and reflect what actually transpired during the termination. Also, if the termination was recorded, it should also be filed in the employee's jacket.

Your staff will inevitably be wondering what happened. It may be necessary to briefly discuss it at a staff meeting (do not call a meeting just to discuss the termination). When reviewing the termination with the staff, it is not necessary for you to rationalize why the employee was terminated (if he was a loser, they should be able to figure it out). Further, the fired employee may have friends on the staff who might testify against you in the future. Instead, keep it simple; that the employee is gone and discuss who is going to pick up the pieces. Do not belabor the firing. Its over. The only thing you, as boss, should be concerned with at this point is problems in staff morale as a result of the firing.

After the employee has left, be careful of requests for job references for the employee. You can state the employee's job title and length of employment but little else. Do not discuss why the employee was terminated or his job performance. If you make disparaging remarks about the employee, he might learn of them and initiate a lawsuit; In contrast, if you give a glowing report on a former employee and he turns out to be a dud, the employee's new company may consider a lawsuit over false claims and misrepresentation. Therefore, do not discuss the employee's performance. The only exception is if you are asked if the former employee is eligible to be rehired (a simple Yes/No will suffice).

CONCLUSION

We live in a strange time where managers are afraid to

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fire employees in fear of possible litigation. Instead, there is a great temptation to transfer or promote the misfit to another department, thereby transferring your problems to someone else. This is horribly irresponsible and does your company a disservice by allowing the employee to screw-up elsewhere (and badmouth you to boot). Do not prolong the agony. Get on with it. As my old football coach used to say, "*Have a little STUG*" (that's "Guts" spelled backwards).

Firing a person is an important part of being a manager. It goes with the territory. Do not procrastinate and never live in fear of firing someone for if you do, you will become ineffective as a manager. But if you are going to do it, do it right. Let the employee know he was fired by a pro. If done properly, you will win the respect of your superiors, your subordinates, as well as the person you are letting go.

Firing employees isn't for sissies.

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