



How to Terminate an Employee

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Objectives



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Employee Evaluations



Document

Address deficiencies

Consistency

Use only permissible metrics

- Avoid criticism for personal life, approved leave, legitimate complaints, etc.

Honesty

- Not everyone "meets expectations"

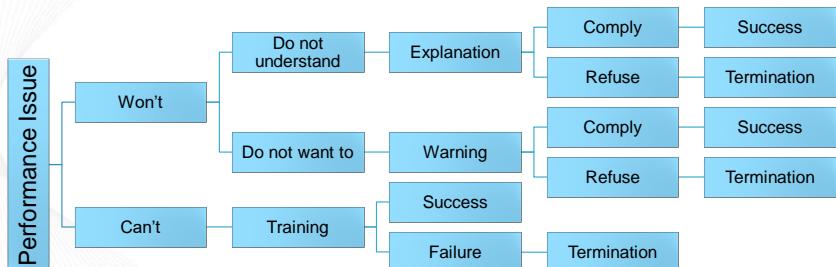
There should never be a surprise



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Performance: Can't vs. Won't



What Exceptional Leaders Know 4

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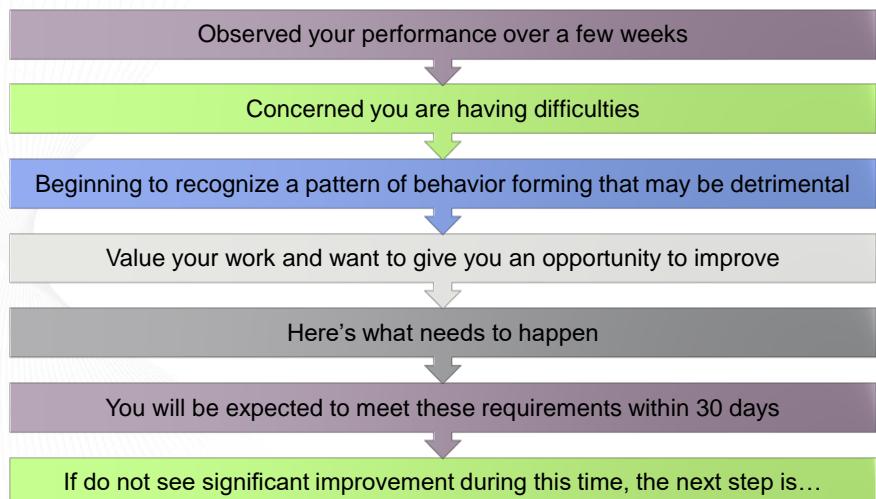
Performance Improvement



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What to Say



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Reasons for Progressive Discipline



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Reasons to Discipline



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Choose How to Discipline

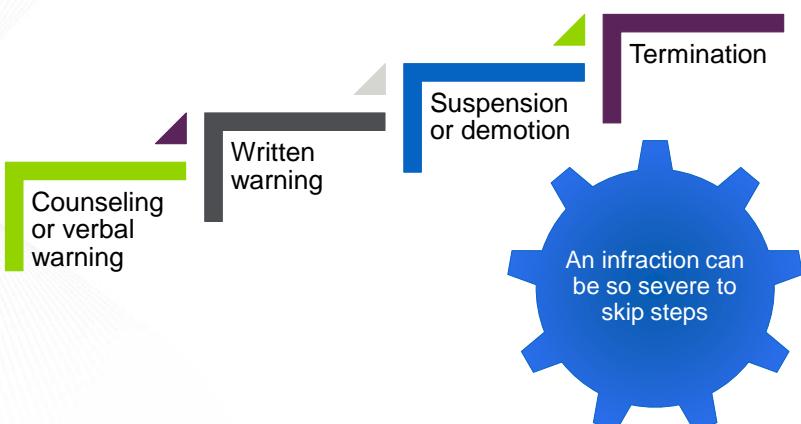


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Progressive Discipline Process



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Discipline Documentation



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Termination



When

- If for performance, only after progressive discipline
- If for misconduct, only after conducting & documenting investigation
- Otherwise, now

Why

- Do not “engineer” the reason
- “Eliminating the position” is not a free pass
- Honesty may not be the only policy, but it is always the best policy



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Termination

How

- Two people in the room
- Prepare final paycheck, severance and/or release, if appropriate
- Be brief & decisive
- Do not invite discussion
- Do not argue
- Written statement

Logistics

- End of day or week
- Do not make a scene
- Prepare for contingencies
- Give thought to access, systems, building, etc.
- Arrange time for employee to retrieve belongings in a respectful way or deliver the belongings



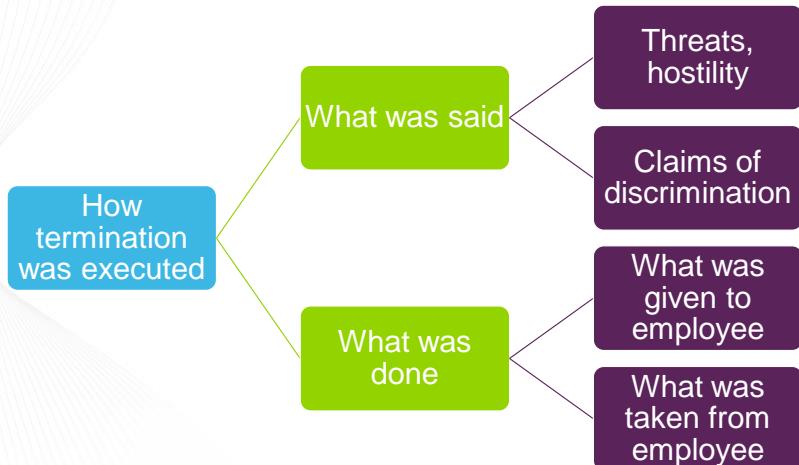
Employees Terminate Themselves

Progressive Discipline

No Surprises

“Do you
know why
you are
here?”

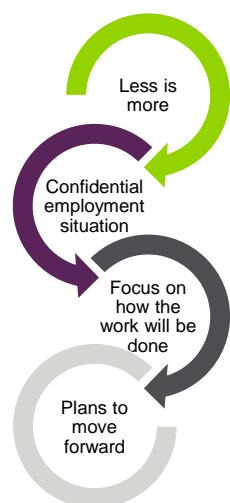
Document After the Fact...



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Announce the Termination



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Severance



Agreement

- In writing
- Retain counsel, refer to employment laws
- Signed by employee
- Knowing & voluntary waiver



Do's

- Allow employee time to consider
- Encourage legal counsel
- Period to reconsider
- Negotiate terms including penalties



Adequate Consideration

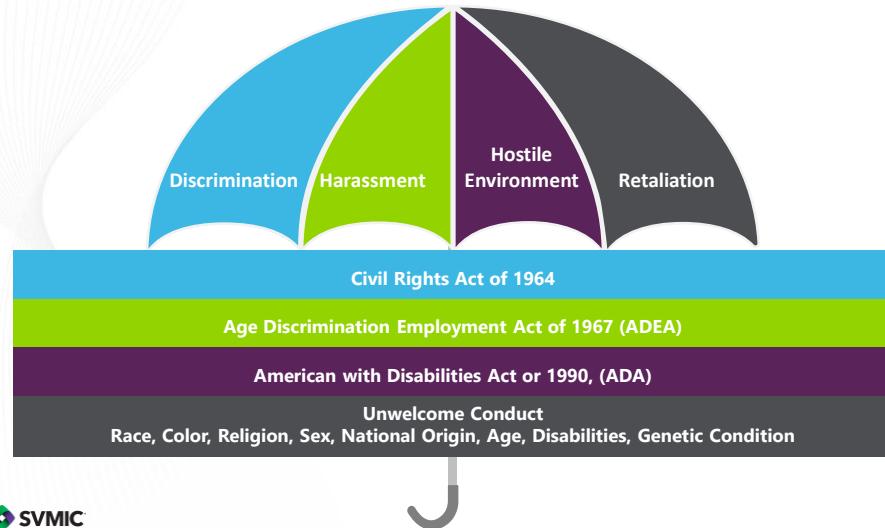
- Lump sum payment
- Satisfactory reference
- Agreement to not contest unemployment

Avoid HR Landmines

- Failure to pay minimum wage
- Failure to pay overtime
- Giving comp time
- Wrongly classifying employee vs. independent contractor
- Ignoring workplace discrimination & harassment
- Comingling employment issues with patient care

Protect Yourself

Avoid Discrimination & Harassment Claims

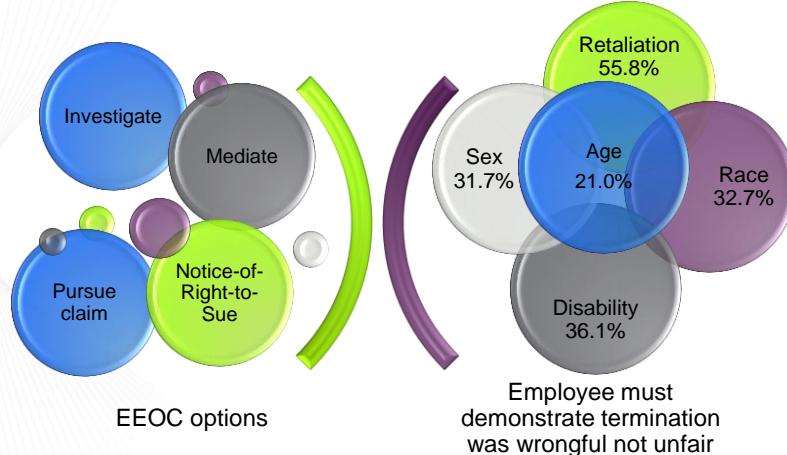


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Wrongful Termination = EEOC Complaint



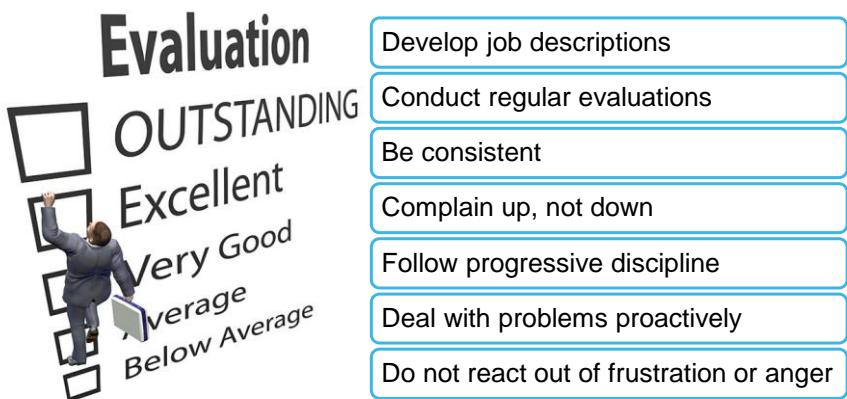
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Takeaways



Be Warned



The Big Secret?



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Resources

- Medical Group Management Association, www.mgma.org, Career Center
- United States Equal Employment Opportunity Commission, <https://www.eeoc.gov/employees/index.cfm>,
- United States Equal Employment Opportunity Commission, <https://www.eeoc.gov/eeoc/newsroom/release/1-25-18.cfm>
- King & Ballow, <http://kingballow.com/seminars>
 - Seminars
 - Newsletter
- The HR Specialist, <https://www.thehrspecialist.com/14541/access-to-personnel-files-50-state-laws>
- Society for Human Resource Management, www.shrm.org
- United States Department of Labor, <https://www.dol.gov/>
- United States Department of Labor, Recordkeeping Requirements under FSLA, <https://www.dol.gov/whdregs/compliance/whdfs21.pdf>
- Winthrop & Weinstine, P.A., attorney Laura A. Pfeiffer's article, "The Top 10 Mistakes Employers Make When Terminating Employees," was published in the May 7, 2009, edition of Finance and Commerce.



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Top 10 Termination Mistakes



The Top 10 Mistakes Employers Make When Terminating Employees

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Required Records

- Employee's full name and social security number
- Address, including zip code
- Birth date, if younger than 19
- Sex and occupation
- Time and day of week when employee's workweek begins
- Hours worked each day
- Total hours worked each workweek
- Basis on which employee's wages are paid (e.g., "\$9 per hour", "\$440 a week", "piecework")
- Regular hourly pay rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from the employee's wages
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment



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Retention of Records



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