

**SOUTH CENTRAL INDUSTRIAL ASSOCIATION**

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**The Termination Checklist®**

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**1. Review Facts.**

- \_\_\_\_\_ a) Was investigation properly done?
- \_\_\_\_\_ b) Was employee given a full and fair opportunity to tell his side of the story?

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**2. Review Employee's Disciplinary History (Misconduct Discharge).**

- \_\_\_\_\_ a) Has progressive discipline policy been properly followed?
- \_\_\_\_\_ b) Can each step in the discipline system withstand scrutiny?
  - \_\_\_\_\_ (1) is it supported by evidence
  - \_\_\_\_\_ (2) is it properly documented
  - \_\_\_\_\_ (3) is it less than a year old
  - \_\_\_\_\_ (4) does it appear to be fair
- \_\_\_\_\_ c) Are there any inconsistent documents in the file (i.e. performance appraisals, etc.) which tend to contradict discipline?
- \_\_\_\_\_ d) What has the supervisor told the employee – is it inconsistent?

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**3. Review Employee's Performance History (Performance Discharge).**

- \_\_\_\_\_ a) Has employee been told of shortcomings?
- \_\_\_\_\_ b) Has employee had a fair chance to improve?
- \_\_\_\_\_ c) Is there proper documentation?
- \_\_\_\_\_ d) What has the supervisor told the employee – is it inconsistent?

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**4. Review Employee's Attendance Record Carefully (Attendance Discharge).**

- \_\_\_\_\_ a) Could any absences arguably fall within the FMLA or ADA?
- \_\_\_\_\_ b) Are any absences for truly compelling reasons?

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**5. Review All Applicable Policies – Have They Been Followed?**

- \_\_\_\_\_ a) Review employee handbook.
- \_\_\_\_\_ b) Review policy manual.

\_\_\_\_\_ c) Review bulletin board postings.

\_\_\_\_\_ **6. Review All Files With Any Documents On Employee (personnel file, medical files, etc.).**

\_\_\_\_\_ a) Is there anything inconsistent with this discharge?

\_\_\_\_\_ b) Are there any “snakes” lurking there that will bite you?

\_\_\_\_\_ (1) recent worker’s compensation claims

\_\_\_\_\_ (2) complaints of discrimination or harassment (even if it was someone else who was suffering the harassment or discrimination)

\_\_\_\_\_ (3) complaints regarding workplace safety

\_\_\_\_\_ (4) complaints regarding overtime or exempt status

\_\_\_\_\_ (5) requests for accommodation (due to religion or disability)

\_\_\_\_\_ **7. Review All Discharges For The Same Reason Over The Last 3 Years.**

\_\_\_\_\_ a) Is this discharge consistent?

\_\_\_\_\_ b) Consider race, sex, age, disability, religion, etc.

\_\_\_\_\_ **8. Review All Serious Discipline For The Same Reason.**

\_\_\_\_\_ a) Can you distinguish and show why this employee was terminated when others were not?

\_\_\_\_\_ b) Consider race, sex, age, disability, religion, etc.

\_\_\_\_\_ c) Check with supervisors, managers, other locations, etc.

\_\_\_\_\_ **9. Are There Any Mitigating Factors?**

\_\_\_\_\_ a) Long service employee.

\_\_\_\_\_ b) Employee in the midst of personal crisis.

\_\_\_\_\_ c) Bad timing, - it’s Christmas Eve.

\_\_\_\_\_ **10. Step Back And Ask, “How Would A Jury See This?”**

\_\_\_\_\_ a) Is it fair?

\_\_\_\_\_ b) Are you confident of your witnesses and documents?

\_\_\_\_\_ c) Will it “look bad?”

\_\_\_\_\_ **11. Consult Human Resources and Your Labor Counsel.**

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