

Don't Fire Me on Friday!

*And Other Tips for Letting Employees
Go Without Making Big Waves*

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Management Law



"I have some bad news . . ."



DO:
Have a Good Reason

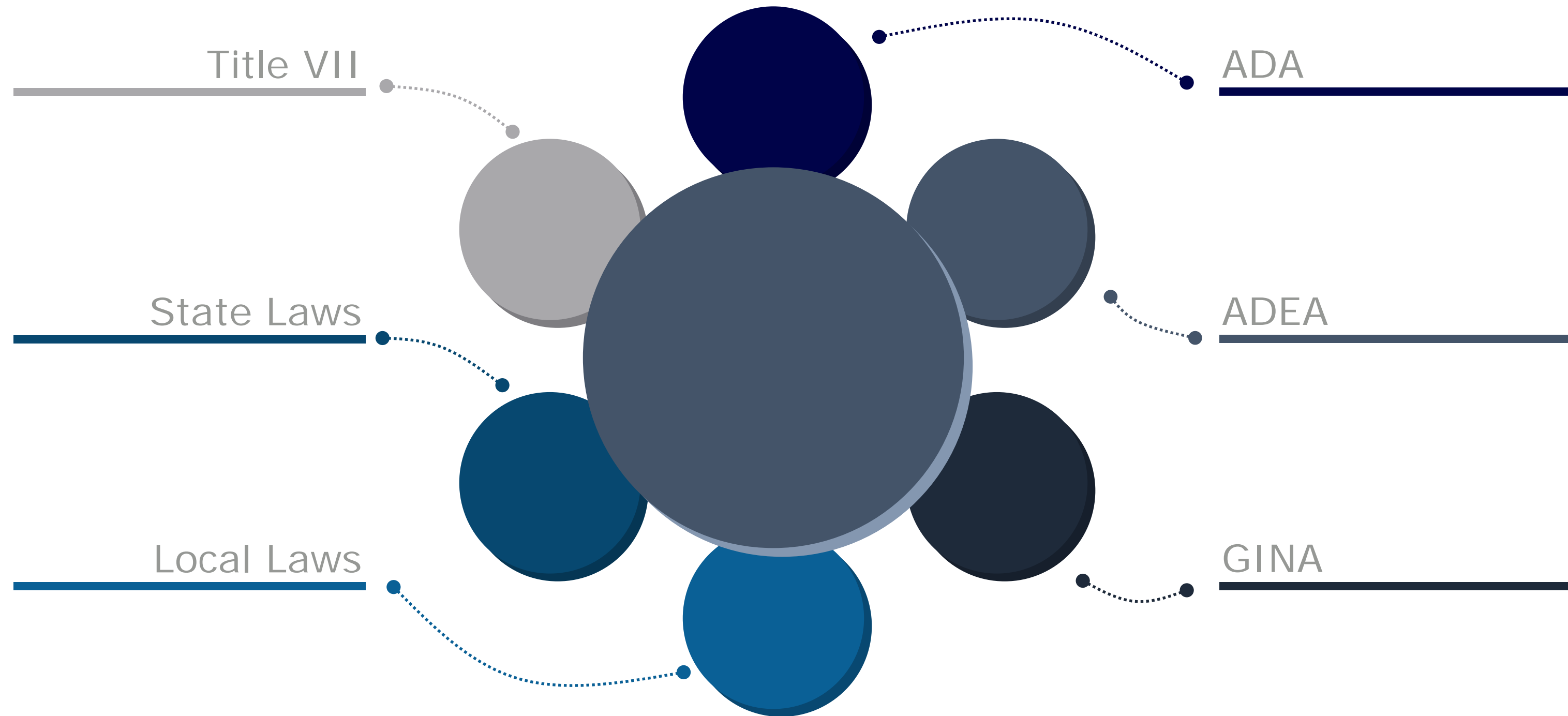
A white unicorn with a single horn is running through a sun-dappled forest. To its right, a small fairy with red hair and large, colorful wings is flying. The forest floor is covered in fallen leaves and green plants.

At-Will Employment

Assume it's a Myth

Either party may end the employment relationship at any time, with or without notice, for any reason or no reason at all.

Discrimination Law



Insufficient

- "It just isn't working out."
- "You're not the right fit."
- "We have someone else in mind."
- "You should have known."
- "This is hard for all of us."



DON'T:
Leave Room for Debate

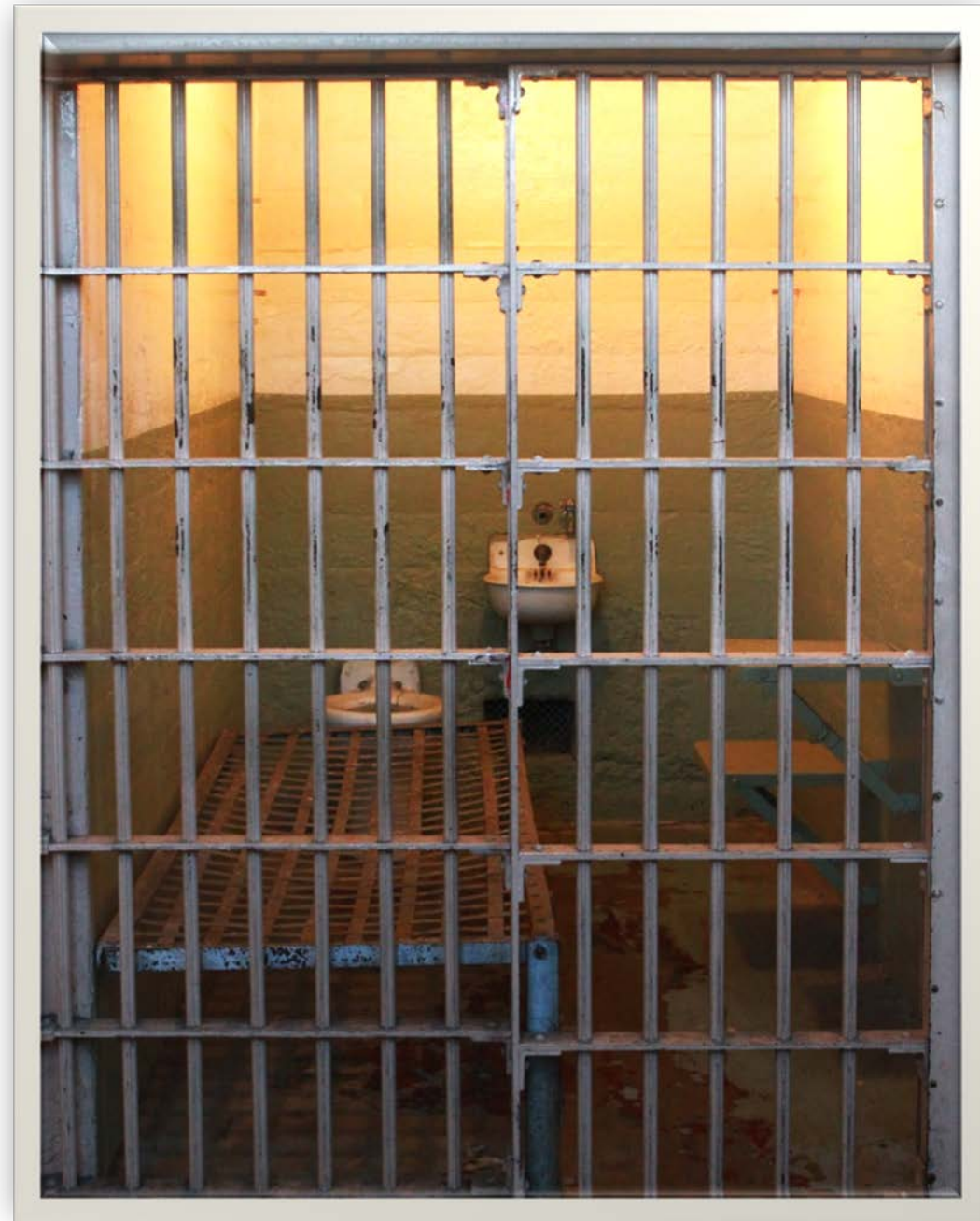
Keep Control

- » “The decision is final.”
- » Don’t entertain confrontation.
- » Have a witness present.

A photograph of two men sitting at a white table in an office. The man on the left is looking towards the man on the right, who is working on a laptop. The scene is brightly lit, likely from a window in the background. Overlaid on the image is the text 'DO: Notify Them in Person'.

DO:
Notify Them in Person

Unless....



- 1 In-person is impractical
- 2 Heightened security concerns
- 3 No-call, no-show
- 4 Employee refuses
- 5 Time is of the essence

FRIDAY

A photograph showing two hands clinking beer bottles against a sunset background. The sun is low on the horizon, creating a warm, golden glow. The bottles are in the foreground, and the hands are silhouetted against the bright light. The background shows a body of water with shimmering reflections.

DON'T:
Do It on Friday





Operational Issues

- » Don't ruin YOUR weekend!
- » Are you open tomorrow?
- » Are your customers, vendors, etc.?



DO:
Preserve Their Computer

Ideal Process

Cut Off Access



Concurrent with termination meeting

Collect Property/Passwords



During meeting, or as soon as possible

"Copy" Files



When devices are returned

Review Data



As warranted



DON'T:
Ignore Reasonable Requests

Expect Questions

- “Is today my last day?”
- “When will I receive my last paycheck?”
- “Am I eligible for unemployment insurance?”
- “Can I get a reference?”
- “What will others be told?”
- “When can I get all my personal things?”
- “Can I say goodbye to everyone before I go?”

Benefits

» Explain

- Go over or indicate that they will receive more information
- Some issues (e.g., health insurance) may be more pressing than others (e.g., profit sharing)
- Provide a contact person

» Follow Up

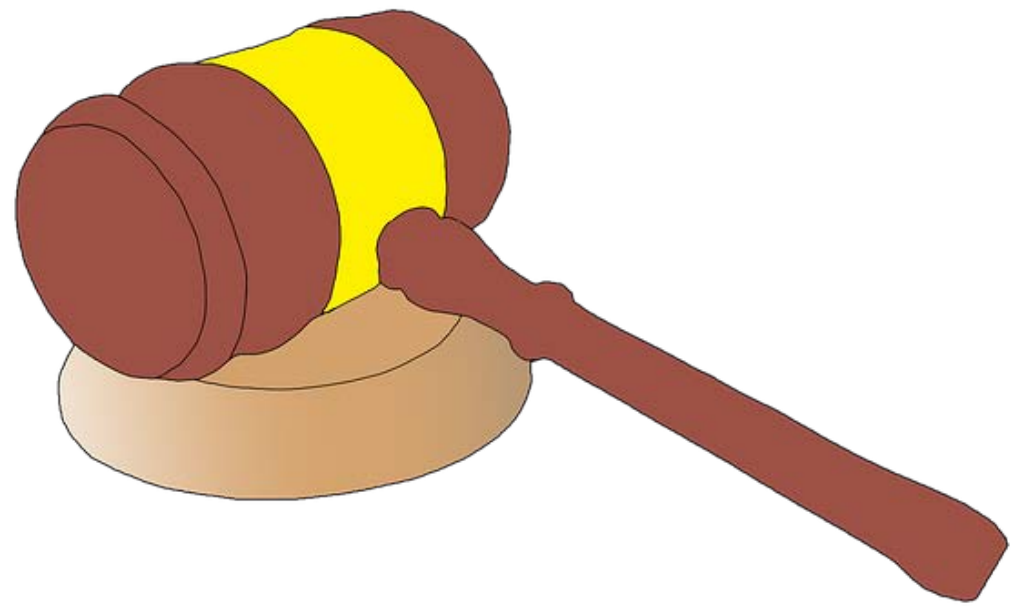
- Send all necessary documentation within required time periods
- Answer questions in a timely manner
- May involve negotiations (e.g., severance)



DO:

Consider Getting a Release

Make It Enforceable



- 1 Use explanatory cover letter
- 2 Address any outstanding issues
- 3 Allow time (days) to review
- 4 Expect them to meet with attorney
- 5 Older Workers Benefit Protection Act

Older Workers Benefit Protection Act

Requirements to waive federal Age Discrimination claims

- Written agreement “calculated to be understood by” the employee
- Reference rights under the ADEA
- No prospective waiver
- Employee must receive something additional of value
- Employer must advise employee in writing to consult with an attorney
- Allow at least 21 days to consider the agreement
- Allow at least 7 days after employee signs to revoke
- Additional requirements for “group” terminations



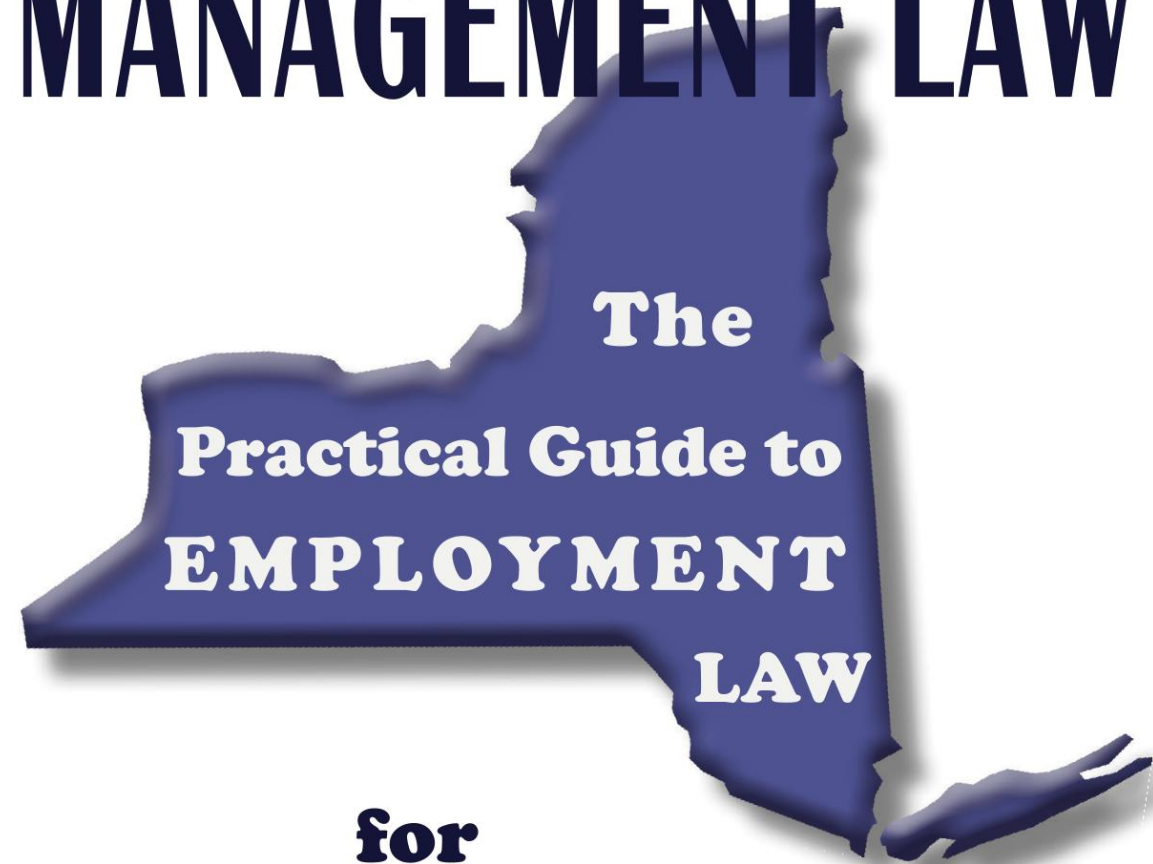
DON'T:
Repeat the Same Mistakes

What Went Wrong?



- 1 Restructure the Position
- 2 Change the Hiring Process
- 3 Provide More Training
- 4 Better Supervision
- 5 Or just not the right person?

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Thanks for your time!

Questions?

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