

The End Starts at the Beginning

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How to establish policies for firing an employee

By

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If your business is located in an “at will” employment state, which currently is most states, then — absent a contract that says otherwise — either you or your employee can end your working relationship for any reason that doesn’t violate state or federal law, as outlined in the [Equal Employment Opportunity Commission guidelines](#), for instance.

You, the employer, need only pay the employee the salary or hourly wages that he or she has earned to that point and then let them go. But even in an “at will” state, you should still do the following *when you hire an employee* so that the end of the relationship is as smooth and lawyer-free as possible.

- **Have an employee handbook** that sets out all your company policies. It should, at minimum, include drug testing policy; benefits and eligibility for those benefits; pay rates and periods; vacation/daily breaks; cell phone use; use of company information; and rules regarding contact with competitors.
- **Set the proper expectations** on the front end. Written policies and a signed acknowledgement of receipt from the employee go a long way toward achieving this. Following these policies consistently with every employee will provide cover when you have to fire someone.
- **Have a clear termination policy** and exit procedure laid out in the handbook and, most importantly, follow that policy exactly in every case.
- **Document the reasons for termination**, no matter how innocuous, and explain these, preferably in writing, to the employee on his or her way out.
- **Be courteous**, even when angry, when terminating any employee — particularly a long-term one. A little courtesy can leave the employee with a less bitter taste in his or her mouth and possibly keep him or her from calling an attorney.

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