

# Guidance offered for protection when firing employees

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(HealthDay)—Steps can be taken to protect employers in the case of termination of an employee, according to an article published online June 10 in *Medical Economics*.

Lauren Rieders, J.D., and Marianne Monroy, J.D., note that employees are increasingly filing discrimination, harassment, and retaliation claims in response to being fired. In the case of employee misconduct, the legitimacy of the termination decision is clear. However, in some cases, it may be necessary to terminate an employee for other reasons such as poor performance, excessive absences, or insubordination. It is advisable for practice managers to take various steps in advance of a termination decision to protect their medical practice from legal action.

A properly drafted employee handbook will place an employee on notice regarding policies and can reduce the risks of a successful litigation

against an employer, according to the authors. Employers should conduct regular performance evaluations and document performance issues, including evaluation, disciplinary notice, and corrective action plans. Employers should be prepared to offer employee separation benefits in exchange for a written release of any employment-related claims. Termination meetings should be held in person with the employee, and ideally attended by the supervisor, a human resources representative, and two employer representatives.

"It is prudent to consult with counsel before firing an [employee](#), to help assess the potential litigation risks," the authors write.

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