

Pre-termination of Employment Checklist



This pre-termination of employment checklist is provided as a guide when seeking a preliminary legal opinion from your own counsel before terminating an employee. This should aid your counsel in evaluating whether the proposed termination creates potential legal exposure and the need for additional legal advice.

1. Name of employee:	2. Date of hire:
3. Current position:	4. Rate of pay:
5. State in detail the reason that you wish to terminate this employee:	
6. Do you think that this employee is likely to file a legal claim? If so, why?	
<p>7. Is the employee in any protected class? Please identify each applicable category and provide as much detail as is available.</p> <p><input type="checkbox"/> Age (over 40): _____</p> <p><input type="checkbox"/> Race: _____</p> <p><input type="checkbox"/> National origin: _____</p> <p><input type="checkbox"/> Religion: _____</p> <p><input type="checkbox"/> Sex: _____</p> <p><input type="checkbox"/> Physical or mental disability: _____</p> <p><input type="checkbox"/> HIV/AIDS: _____</p> <p><input type="checkbox"/> Sexual orientation: _____</p> <p><input type="checkbox"/> Gender identity: _____</p> <p><input type="checkbox"/> Medical condition (cancer or genetic characteristics): _____</p> <p><input type="checkbox"/> Marital status: _____</p>	
8. Has the employee reported a work-related injury or have a record of a workers compensation claim? <i>If yes, ensure that you have documents including DWC 1 Forms and doctor's notes.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Has the employee requested or taken time off for medical reasons, military, pregnancy disability leave or family and medical care leave? <i>If yes, ensure that you have documents including LOA forms and doctor's notes.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Has the employee received prior verbal or written counseling? <i>If so, have available for review.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

11. Has the employee violated a written rule or policy contained in your employee handbook? <i>If so, have available for review.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12. Do you have an oral or written agreement with the employee concerning any term or condition of employment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. Do you have a formal or informal progressive discipline policy? If so, have available for review.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14. Are there any additional facts or factors that are relevant to this proposed termination? <i>Please state the additional facts or factors.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15. Have you considered a final written warning, demotion, transfer or further training? <i>If not, why?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16. What type of discipline has been imposed on other employees involved in similar circumstance(s)?		

I agree to the above terms and conditions and verify all of the above information is accurate and complete.

[Signature]