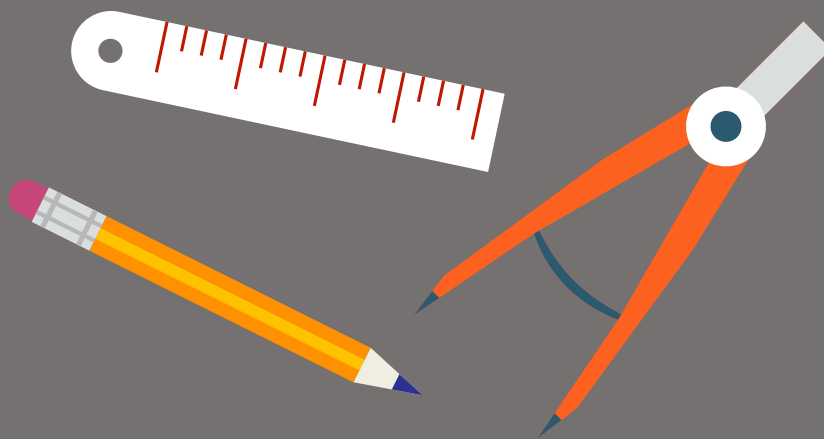


# 13 Questions You Can Expect From A Terminated Employee



PRACTICAL TOOLS

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When you terminate an employee, you have to realize that in most cases, their world has just been turned upside down.

They have a million questions on what will happen to them next. You can help their transition to a new job or the next phase of their lives by having answers ready for the questions they'll likely ask you.

Here are 13 of the questions you're most likely to get:

## 1. How much longer will I stay on the payroll? (Or how much more money will I get from the company?)

You should explain how much severance, if any, the employee will get, and whether it will be paid in a lump sum or over time. Since many employees live paycheck to paycheck, they are already calculating in their minds how much time they have before they have to find another job. Helping them out with those calculations can reduce friction – and bitter feelings – that may result in a lawsuit later.

## 2. Can I get unemployment insurance until I find another job?

If a terminated employee collects unemployment insurance, this is not a direct cost against your company. But the more people your company terminates, the higher the rates your company

will be assessed for the obligatory unemployment insurance assessments made against your company by the state entity administering the fund will be. So it is not a no-cost item to your company. However, unless the employee has done something really heinous, state unemployment insurance commissions generally award benefits to the employee. Therefore, in most cases it is not worth your while opposing an unemployment benefits award to the employee. If you've already decided you won't oppose benefits, tell the employee so. The employee will feel that at least in this area, you're treating them fairly, and that's comforting to them.

### 3. What about my medical insurance?

Generally, benefits end on the day that active employment ends, meaning the benefits do not continue for any extended period of time while the employee may still be drawing severance pay. If you offered medical insurance to your employees, you must offer them COBRA coverage with the employee paying the entire cost of the monthly premiums. You should refer the employee to your personnel/benefits department to help work out these details.

### 4. What happens to my retirement/401(k) money?

It's a natural concern of all employees who have participated in a company's voluntary payroll deductions program to build for retirement. Assure them that their 401(k) funds are safe. Tell them that if they get a new job with a company also offering a 401(k), your company's benefit department – or your outside administrator of the 401(k) plan – will gladly help them transfer their funds to their new 401(k) or help them set up an IRA with the funds.

## 5. What about my vacation and sick pay?

People being terminated will naturally be afraid to lose any benefit accumulated under a company's vacation or sick leave policy. As for sick leave, many companies have a "use it or lose it" policy, so nothing more may be forthcoming to the employee on that score, which is what you'll have to explain to the employee. As an incentive to employees not to take unwarranted sick time, some companies have policies allowing employees to convert untaken sick days into paid vacation days at the end of the year. If your company has such a policy, assure the employee that the policy will be followed to the letter, and that untaken sick days, on a proportional basis, will be converted into vacation pay. As for vacation pay, any earned but untaken vacation must be added to an employee's last paycheck by law. Assure the employee that along with any severance pay, untaken vacation will be paid out according to the law.

## 6. What kind of reference will you give me if I apply for a job somewhere else?

In most cases, it's best to say that you will provide a "neutral" reference, confirming dates of employment, salary levels and job titles. You can explain that's what most companies do anyway for fear of getting sued one way or the other. A neutral reference does not necessarily mean the employee was terminated or failed to live up to standards. Neutral references are also given about employees with stellar performances who left voluntarily.

## 7. Can I collect my personal belongings and say goodbye to my colleagues?

In most cases, it's a good idea to let the employee leave with dignity. That means letting them collect personal belongings and say goodbye to friends and colleagues. No one wants to be treated like a thief by being marched out of the building by a security guard while colleagues watch. That's the kind of treatment that often begets lawsuits for intentional infliction of emotional distress – even if the termination in itself was not wrongful. It's also a prudent idea, however, to have your IT department disable computer passwords and access for the employee to prevent any mischief by embittered ex-employees. And if the employee worked in the IT department and has access to everyone's passwords, other special precautions may need to be taken.

## 8. Is anyone else getting fired for the same thing?

This is a dangerous question that may indicate the employee is already mulling over a potential lawsuit for wrongful termination because he or she will allege that someone else also known to have fallen short of company goals or norms did not get the same treatment. Don't fall into this trap. Simply reply that this meeting is about them; and what both sides need to do to get on with life. This is not about anyone else.

## 9. What have I done that is so terrible?

Employees deserve to know a little bit of the truth, but there is no need to rub it in. You can simply refer to the previous written warnings and express your regret that it had to come to this. If there are published numerical minimum standards for keeping the job that were not met, you can refer to those. If there was a serious violation of company policy, refer to it. But refrain from

any generalizations or characterizations indicating the employee was a bad person. Above all, do not be drawn into an argument of he said-she said and avoid subjective judgments. Refer only to generally known facts.

## 10. Is there any chance you might reconsider? I can't afford to lose this job.

This kind of plea is often accompanied by tears and is hard to deal with by many managers because of the emotional framework in which it occurs. If there are tears, give the person a few minutes to compose themselves. However, the decision is final. Try to help the employee focus on what's next by moving on to discuss severance, unemployment insurance, and the like.

## 11. Can I think it over?

If you are giving the employee a document to sign, which generally means a waiver not to sue for any reason in return for some severance pay, some employees may ask if they can take it home, think it over and they may even admit they want to consult an attorney about your proposal. This is their absolute right. You should say that of course they may, but you can also remind them that any severance payout will not start until you have the signed agreement with the release. Even though employees have the right to consult with an attorney, most terminated employees do not exercise this right and sign voluntarily right then and there – if they feel that your company has tried to treat them fairly.

## 12. For how much longer can I still get my employee discount?

For employees in the retail industry, this is often a major concern. Maybe the wife is having a baby soon and the employee had planned to buy a wardrobe of baby clothes with the employee discount, or maybe he or she was facing a car repair, didn't see the termination coming and had postponed having the work done until the last possible moment. Under company policy, you probably can't keep the employee discount open forever for ex-employees, but as a gesture of human kindness, you may be able to make the termination effective at the end of the business day to allow them one last shopping spree at reduced prices. It probably doesn't cost the company much, and it may buy a lot of goodwill to make the separation easier all around for everyone.

## 13. Can I still play on the company softball team?

From the sublime to the ridiculous: You'll be surprised how many off-the-wall questions you may get from some employees, and what's foremost in their minds. Don't be surprised by anything. If your company has no specific policy on these types of issues, the answer to a question like this may well come down to a judgment call. After all, it still binds the employee to your company, and it's hard to imagine he or she will sue the company whose logo they wear on their jerseys.