

WEBINAR SERIES

# Navigating Discipline and Terminations: A Guide to Fair & Legal Practices

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# Today's Presenters



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# Today's Agenda

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- ✓ The importance of progressive discipline and how it reduces legal risk
- ✓ The key steps every employer should follow
- ✓ How to document performance issues
- ✓ Best practices for termination meetings
- ✓ Compliance considerations to avoid wrongful termination claims

## Webinar Forum

*All participants are muted.*

*Please type questions in the side navigation panel and we will try to address most questions during today's session.*

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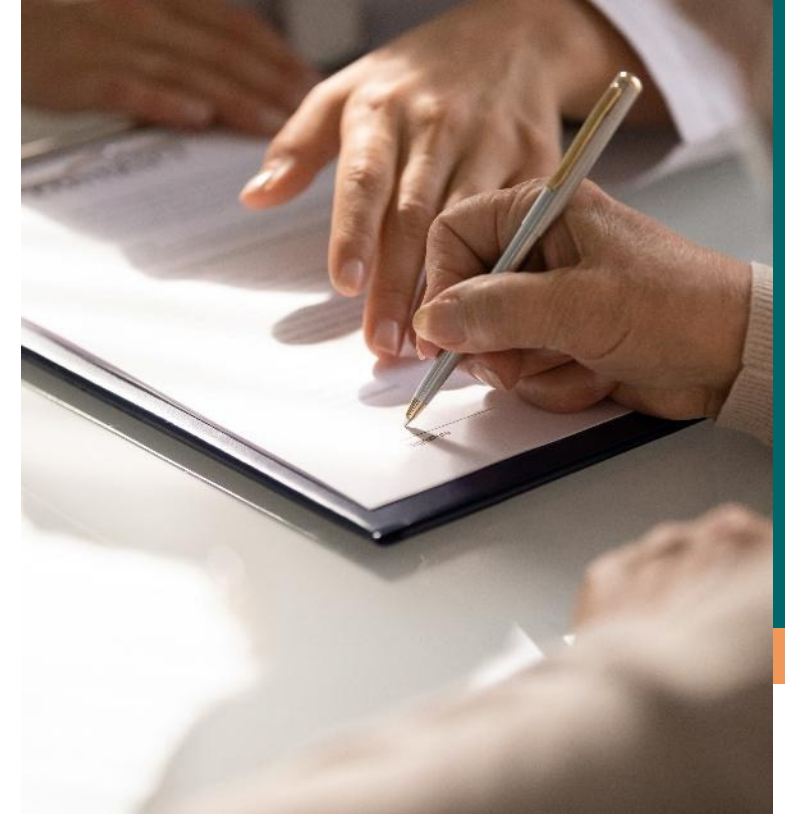
# Progressive Discipline

# What is Progressive Discipline?

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## Progressive Discipline

- A process for dealing with job-related behavior that does not meet expected and communicated performance standards of a company.
- Goal: Improve performance or modify behavior, not punish.
- Must be fair and legally compliant





# Why Progressive Discipline Matters

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## ✓ The importance of progressive discipline

- Encourages improvement before termination
- Ensures fairness and consistency
- Documents communication and expectations

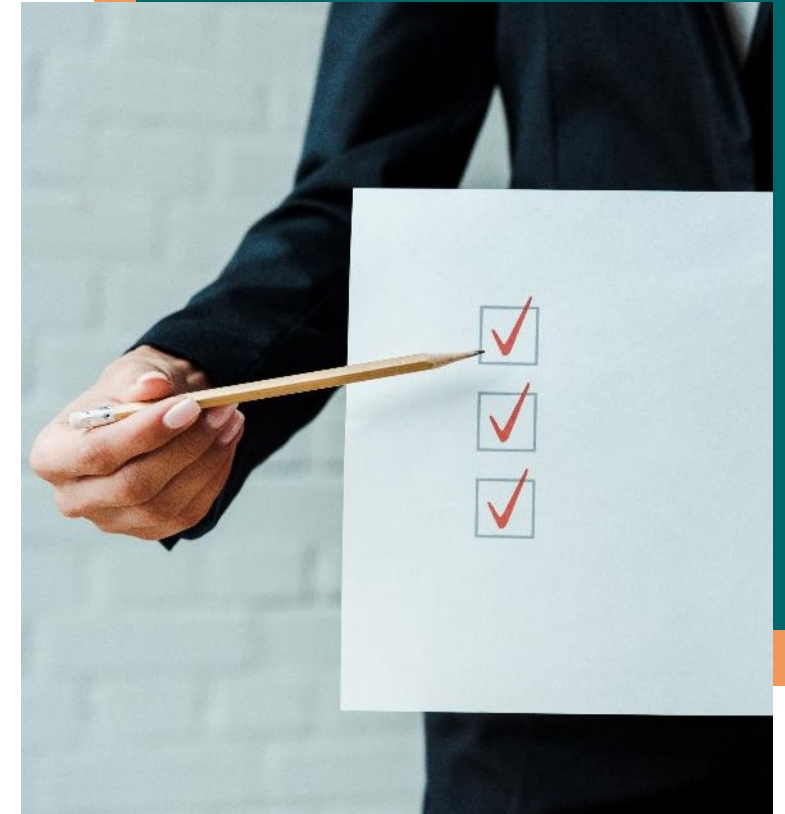


# Progressive Discipline

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## ✓ Legal Benefits of a Structured Approach

- Documentation helps defend against wrongful termination claims
- Demonstrates good faith and reasonable efforts
- Documents employer efforts to correct behavior
- Aligns with federal and state laws
  - (e.g., ADA, Title VII, NLRA)





# Key Steps

# Preventing Disciplinary Issues

- **Set Clear Expectations**  
Define job duties, performance standards, and conduct expectations.
- **Lead by Example**  
Managers should act professionally and enforce policies consistently.
- **Foster Open Communication**  
Address concerns before they escalate and encourage employees to discuss challenges.



# Key Steps of Progressive Discipline

✓ The four key steps of progressive discipline every employer should follow

STEP 1: Verbal Warning

STEP 2: Written Warning

STEP 3: Final Written Warning

STEP 4: Termination



# Verbal Warning

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## STEP 1: Verbal Warning

- Minor infractions or first-time offenses
- Focus on coaching
- Clarify expectations
- Document conversations





# Written Warning

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## STEP 2: Written Warning

- Issued if problems persist or for more serious infractions
- Outlines the issue, expectations, next steps, and consequences
- Employee acknowledgment
- HR documentation



# Final Written Warning

## STEP 3: Final Written Warning

- Used for repeated violations or serious misconduct
- May include a performance improvement plan (PIP)
- Clarifies immediate expectations and consequences for non-compliance





# Termination

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## STEP 4: Termination

- The final step when corrective efforts fail
- Severe misconduct may warrant immediate termination
- Must be consistent with termination policies
- Must be legally compliant



# Effective Documentation

# Effective Documentation

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## ✓ Document performance issues effectively to support fair terminations

### Best Practices for Documentation:

- Keep factual, objective records of performance or behavior concerns
- Use specific examples and dates
- Avoid vague language



# Termination

# Preparing for Termination Meetings

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- Review documentation and policy
- Plan who should attend
- Anticipate reactions
- Have a de-escalation strategy





# Conducting Termination Meetings

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- Be clear and professional
- State the reason and decision simply
- Clearly state the reason for termination without unnecessary detail
- Offer final pay and benefit information





# Handling Difficult Situations

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- Be ready for emotional reactions
- Have security measures for high-risk situations
- Ensure privacy and dignity



# Compliance

# Compliance Considerations

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## ✓ Compliance considerations to avoid wrongful termination claims

- Employment-at-Will vs. Wrongful Termination
- Exceptions to at-will employment
- Common legal pitfalls that lead to wrongful termination claims

# At-Will Employment

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- **At-will means an employer can fire an employee at any time for almost any reason with some **exceptions**.**
- **Exceptions include:**
  - Discriminatory reason
  - Whistleblowing
  - Refusal to break the law/engage in unethical behavior
  - Employment contracts
  - Public policy
  - Worker's compensation claim
  - Protected leave
  - Implied covenant of good faith

# Wrongful Termination

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## Wrongful Termination is XXXXXXXX

### ✓ Compliance considerations to avoid wrongful termination claims

- Understanding Employment-at-Will vs. Wrongful Termination
- Exceptions to at-will employment (e.g., contracts, discrimination laws)
- Common legal pitfalls that lead to wrongful termination claims
  - ADA/FMLA implications in terminations
  - Retaliation risks and how to avoid them

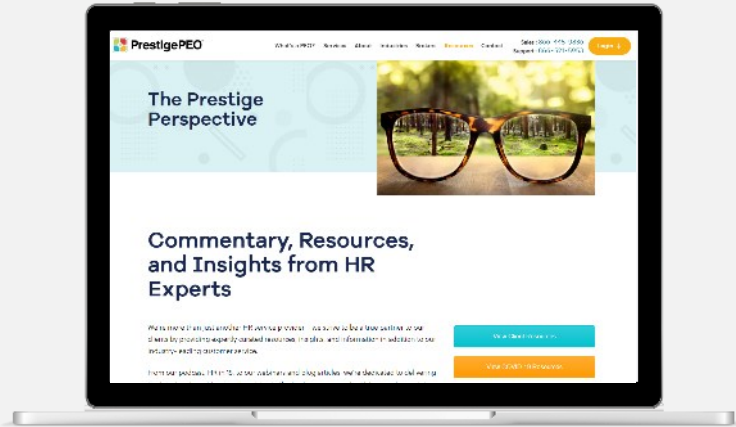
# Post-Termination Communication

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- Maintain confidentiality
- Limit internal communication to “need-to-know” basis
- Avoid disparagement



# Questions / Comments / Discussion?



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