

The Secrets to Respectful Terminations: An Interview With HR Executive and Former State Bar President Charlotte Miller

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Charlotte's passion is to create environments where employees feel appreciated and inspired to do great work. However, her responsibilities have sometimes included firing employees. On this topic, she shares several valuable insights.

JATHAN JANOVE: How many people have you fired over the years?

CHARLOTTE MILLER: If you include layoffs, it's probably over 5,000.

JJ: Wow! How many of these discharges have ended up in court?

CM: Zero.

JJ: Yet you've worked in industries that can be fairly litigious. How have you avoided litigation?

CM: The process starts well before the point of firing someone. My operative question is: “What have we done to keep a potentially valuable resource?”

A new manager recently asked me, “What are the documentation requirements for employee discipline?”

I said, “We don’t have any. And we don’t use the word, ‘documentation.’ The word is ‘communication.’”

We don’t use labels. It’s not “reprimand” or “warning.” It’s not “formal” or “informal.” Rather, we ask, “Have you communicated with the employee, orally and in writing, about the gap in expectations? If so, have you given that employee—with your help—a fair opportunity to close that gap?”

JJ: How does the manager help the employee close the gap?

CM: One of my favorite ways is to have the employee do the written part. I recently had an employee write three sentences beginning with the word “I.” The content of the sentences would express what the employee committed to doing differently. We went through three drafts before coming up with something that worked for both of us.

I find that if they write it themselves, they tend to own it.

JJ: When the time comes to let somebody go, how do you approach it?

CM: First, I plan the termination meeting carefully by following at least four rules:

- Who will be present? My general rule is that the HR director, the employee’s manager, and the employee should be present.
- When will it occur? My rule is early in the day and early in the week. I also check to make sure that the day doesn’t coincide with any significant dates for the employee, such as the employee’s birthday or anniversary date of employment.
- I like to have the manager speak first; otherwise, the employee may consider it a sign of disrespect. I don’t go into detail regarding what led to termination. Instead, I say, “If, after a couple of weeks you want to talk about it, you can call me.” The one point I emphasize is that the decision is final.
- I have a “No-Cry” rule. It doesn’t apply to the employee, who is entitled to feel pain and sadness. The moment of firing is shocking to every employee no matter his or her past history of warnings. The “No-Cry” rule applies to managers. I tell them, “It’s not about you; it’s about them. Don’t say, ‘I know this is hard,’ because you don’t. Don’t pretend to be in their shoes.”

JJ: How do you handle the employee’s exit from the premises?

CM: We think that it's best if the employee leaves right away. I typically tell departing employees that we can arrange a day for them to return to collect their personal belongings. No matter the prior communication, the moment of discharge is still a shock. Although people often think they can gather their belongings at that moment, they often become very emotional. To be in that state of mind while gathering personal belongings such as pictures of loved ones seems to compound the pain.

One of my goals in the termination process is to make sure that the employee does not do anything of which they are later embarrassed. That's why I try to allow them the time to process the situation more privately. Of course, each situation is different and on occasion I may allow an employee to gather their things immediately. Even if the employee comes back later, it is best if employees can gather their items themselves so that they feel less like their private items have been invaded.

Depending on circumstances, I also offer the departing employee the chance to say goodbye to coworkers. However, I usually ask these coworkers in advance if they are comfortable with that.

Lastly, I rarely let employees continue working after they've been notified of their discharge. It's cruel. The longer you delay the process, the greater the employee's pain. Work transition should already have been covered in the pre-termination planning process.

JJ: What is your practice regarding severance and outplacement assistance?

CM: In the overwhelming majority of cases, we offer both. The severance may not be large, but it helps the employee with his or her immediate fears (e.g., "How will I make the next rent/mortgage payment?").

We cover the cost of outplacement assistance, although the employee doesn't have to use it. Outplacement assistance is helpful for employees in that it gets them focused on their next job, as opposed to dwelling on negative feelings from their last job.

Severance benefits are available on the condition that the employee sign a release. We have a standard agreement that we keep short and simple.

JJ: Do you feel the practice of providing severance is economically justified?

CM: Absolutely. And it's not just to avoid litigation costs. As expensive as litigation is, I've found the far greater cost is the time and energy that the litigation process drains from your own people. Also, it is in many situations the right thing to do in order to help the employee, even in a small way, with a transition. But it is not always appropriate.

JJ: Do you have an overall philosophy that you apply to employment terminations?

CM: Yes—It comes from our company’s founder, O.C. Tanner, who said to our management team: “Your most difficult job is to see that the company gets the best performance from its people.”

This means appreciation, recognition, and investment in employee growth and development. But it also means that you can’t tolerate continued underperformance or misbehavior. When efforts to close the gap are unsuccessful, as a manager you have a responsibility to the company and its customers to act. You also have a responsibility to the employee’s coworkers; otherwise, they will be held back from achieving their own potential and sense of purpose and satisfaction.

Charlotte Miller is Senior Vice President of People and Great Work for O.C. Tanner. She can be reached at charlotte.miller@octanner.com.

Jathan Janove, a former Ogletree Deakins shareholder and Director of Employee Engagement Solutions, is the Principal of Janove Organization Solutions (www.jathanjanove.com). Through consulting, executive coaching, and training, he helps organizations maximize the human potential within. He can be reached at jjatpdx@gmail.com.

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