Termination Best Practices for Small/Medium Nonprofits

- Review of Themes/Lessons
- An Employer’s Tale
- Assessing whether to Terminate or Correct/Train
- How to Terminate
- Last Check, Severance & Off-Boarding
Themes/Lessons

- Whatever you do, do it consistently.
- Provide advance notice when there is a change and have a good business reason for a change.
- Decide how much is enough.
- Document, even if only minimally.
An Employer’s Tale

- Miguel was the ED of a nonprofit with a budget in the low 7 figures. He was there for nearly a decade, and the board rubber-stamped his every decision for more than half his time there.

- Then, for myriad reasons, the board had 100% turnover in 2 years. Board members began seeing areas of improvement and set about working with Miguel to improve.

- After a series of mishaps, including Miguel inappropriately yelling at a child on site, the Board decided to suspend Miguel pending an investigation.
An Employer’s Tale, p2

- Suspecting that the suspension would not be well received, the board decided to have Miguel's mentor, a police officer and the school's lawyer on site when it notified Miguel of the suspension.

- The Board, after investigation and much deliberation concluded that it was necessary to part ways with Miguel.

- It offered him a severance.

Assessing whether to Termination or Correct/Train
Assessing whether to Correct or Terminate/Train

- Consider Policies, Procedures & Manuals
  - Progressive Discipline
  - Workplace Behavior
  - Medical Leave

- Ee a Member of a Protected Class?
  - Disability
  - Minority, National Origin, etc.
  - Pregnant
  - Worker’s Compensation Claimant

Assessing whether to Correct or Terminate/Train, p2

- Contract of Emt (Express or Implied)?
- Possible Retaliation? Remember presumption.
- Treating Similar Ees Similarly
- Review Personnel File
- Unemployment Considerations
  - Reimbursable vs. Insurance
  - Documentation
- Legal Implications for Keeping Ee
How to Terminate

- Be Delicate and BRIEF:
  - State that it is no longer in the best interest of the organization to continue the employment relationship.
  - Nothing more. Every additional word about “why” just leads to increased liability.

- Have Two People Present.

- When? Start of Day.

- Immediate Supervisor does it.
Last Check, Severance & Off-Boarding

- Pay them all wages owed (accrued vacation days, wages earned through that day, accrued bonuses, etc.) no later than the next regular pay date.
- Consider Severance, perhaps 60 days. Consider timing.
- All property returned immediately.
- Remind them of confidentiality duty, if any.
- Remove from website, newsletter, etc.
- Designate contact for HR matters.
Final Test: Themes/Lessons

- Whatever you do, do it ______________.
- Provide advance __________ when there is a change and have a ______ _______ ________ for a change.
- Decide _____ _______ is enough.
- __________, even if only minimally.
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Questions/Comments?