



Overcome the Fear of Firing:

Ideas from 30 Directors

by Roger Neugebauer

"It was obvious that this teacher could not relate well to kids, but I could not bring myself to fire her. And while I wavered, things only got worse for everyone in her classroom."

Having to fire someone is probably the most difficult action a director may have to take. It is an action directors can find endless excuses to avoid, as did the director quoted above. But it is an action that in certain cases must be taken.

To discover how directors can overcome the fear of firing and to learn what precautions to take and what mistakes to avoid in the firing process, *Exchange* surveyed 30 center directors who had fired an employee. The suggestions that follow are based on their experiences and recommendations.

When is Firing Appropriate?

People who go into social services typically care very much about individuals. However, directors are also responsible for caring for the organization as a whole and for the families it serves. When the



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needs of an individual staff member come into serious conflict with the needs of the group, the director must place higher priority on the welfare of the group.

The directors identified four areas where the performance of individual staff members most frequently detracts from the performance of the organization to the extent that firing may be necessary. The four areas, listed in order of frequency of occurrence, are:

Poor work habits: Chronic lateness and absenteeism; shirking of job responsibilities; sloppy, careless work. One director reported firing a teacher who "sat most of the time and shouted across the room instead of going to talk to a child. I found her sleeping in the nap room rather than watching the nappers."

Sub-par job performance: The inability to satisfactorily perform job responsibilities; inability or unwillingness to develop necessary skills. Specific problems cited include 'lack of behavior management skills,' 'inability to supervise assistant teachers,' 'lack of empathy and patience with children,' and 'inability to plan appropriate activities.'

Unacceptable behavior: Behavior that is detrimental to children, staff, or the organization. Typically these behav-

iors relate to inappropriate disciplining of children such as 'striking a child,' 'verbally abusing children,' 'locking a child in the bathroom,' or 'attacking children's self-image.' Some directors also cited situations where staff members disrupted the organization by 'refusing to cooperate with other teachers,' or by 'inciting disharmony and negativism among the teachers.'

Policy violations: Unwillingness to conform to center policies and philosophies. A wide range of incidents were cited here including 'stealing center property,' 'violating the confidentiality of parent conversations,' 'refusal to adapt to the curriculum approach of the school,' and 'coming to work intoxicated.'

Potential Problems

The process of firing an employee is never a pleasant one. During the period when the director is weighing the decision and then waiting to announce it, he or she typically experiences considerable anxiety. The conference at which the employee is notified of the decision is often loaded with tension and tears, or anger and ill will. Then, if the employee reacts poorly to the action, the director may experience guilt.

Occasionally, more serious problems occur. When an employee perceives

that she is being fired unjustly, she may seek to rally support among the other teachers and parents. This can lead to a period of internal conflict and leave a residue of hard feelings.

When there is a level of authority above the person who did the firing, such as an owner, a board of directors, a regional director, or a sponsoring agency, the terminated employee occasionally will appeal the decision. This appeal may proceed through normal channels such as a grievance procedure, or it may take a more personal direction. In one instance, an employee sent letters to every board member, claiming foul play by the director and demanding immediate reinstatement. In another instance, the spouse of a terminated employee appeared at the door of the center's owner threatening a lawsuit.

A confrontation may also occur if the terminated employee is denied unemployment benefits and appeals this ruling. In many states an employee who is fired may have a claim for unemployment benefits judged to be 'unapprovable' if he was fired for gross misconduct or for misdeeds directed against the employer. The information for making this decision comes from the former employer. If the former employee appeals a decision, the director may then be required to attend a hearing. One director who attended such a hearing found it very unpleasant "to be discussing the employee's poor work record in front of her, her husband, and the hearing officer."

In some cases the repercussions are even more unpleasant. Several directors reported receiving angry or obscene phone calls at home from the terminated workers for weeks; one was physically threatened. In another case, the former employee dedicated herself to spreading vicious rumors about the center and the director in the community.

Finally, a director may run the risk of incurring the ill will of other employees who may have liked the person who was fired and do not understand the reasons for dismissal. The director in these instances is in a defenseless position, since she cannot violate confidentiality by listing the reasons the person was fired. In the long run it is the credibility of the director that will lead to acceptance or non-acceptance of this decision.

Although such negative outcomes do occur, they are not inevitable. Three-fourths of the directors interviewed indicated that the positive results of firing an unsatisfactory employee far outweighed the negative ones. In most cases the morale of the staff eventually, if not immediately, improved.

Laying the Groundwork

The directors surveyed had many recommendations for avoiding the negative consequences of the firing process. Many of these had to do with laying the groundwork with actions that should be taken even before the final decision to terminate employment is made.

Establish guidelines. All personnel should know, from the day they join the center, what actions or behaviors on their part can result in their being fired. These policies should be in writing, and they should be given to all staff members or posted in a conspicuous place. Staff members have a right to know these ground rules. Once they know them, their responsibility to abide by them should not be subject to question at a termination.

Most centers spell out 'flagrant' violations that are cause for immediate termination. Cited as examples were striking a child, leaving children unattended, inflicting harsh punishments, gross negligence, and being intoxicated on the job.

Establish a grievance procedure.

If at all possible, employees should have some means of appealing major personnel actions such as a firing. This may consist of a hearing before an owner, an executive director, a personnel committee, or a special grievance panel. Having such a procedure established in advance gives an aggrieved employee a clear recourse and helps prevent unnecessary parties from becoming involved in the dispute.

Review performance periodically.

Once employees' performance has degenerated to the point where a termination is warranted, it may no longer be possible for them to radically alter their behavior. If the director is concerned with the welfare of individual employees and wishes to help them avoid termination, she should perform periodic performance reviews for all employees. Poor habits and substandard performance should be brought to the employee's attention before it gets out of hand. In these reviews, the director or supervisor should help the employee set goals for improvement as well as offer whatever support the center can muster. Progress toward meeting these goals should then be closely monitored.

Give adequate warning. Nearly every director interviewed emphasized that there should be 'no surprises.' As soon as it becomes apparent to the director that an employee may need to be fired, that employee should be warned that such an action is being considered. This warning should be given in a private conference between the director and the employee. The directors recommended that in this conference the employee should be told:

- the specific center policies the employee is violating or failing to adhere to.
- objective examples or anecdotes that demonstrate this claim.

- the specific changes required of the employee to avoid being fired.
- how the employee's effort to make these changes will be monitored.
- the deadline for the final evaluation.

Some centers have a formal two- or three-step notification process. In one center the director is required to give a preliminary verbal warning, an initial written warning, and a final written warning before issuing a notification of termination. However, if a center has an effective performance review process, the early warnings needed to give the employee a fair opportunity to improve should be coming up in the periodic reviews.

Since warning conferences can become quite emotional, key messages sometimes fail to get communicated. Sometimes directors try too hard to cushion the blow by sugarcoating the warning. In one instance, a director went to such lengths in emphasizing the employee's strong points, in addition to the problem areas, that the employee left the meeting unaware that she was close to being fired. A second message often delivered unclearly is what specific steps the employee needs to take to meet the director's expectations. To avoid miscommunication, one director suggested having the employee state his interpretation of the director's message to be sure he has an accurate understanding of it.

Keep written records. As one director urged, "Document! Document! Document!" Keep a record of periodic performance reviews, incidents of unsatisfactory performance, conferences where warnings are administered or terminations are announced. Some directors also issue warnings and terminations in writing as well as verbally. Other directors, dealing with a particularly unstable or vindictive employee, request that the employee sign a written summary of a

warning or termination conference to attest to the fact that the summary is accurate (not that they necessarily agree with it). Documentation such as this serves two purposes. First, it ensures that the director's message is conveyed. All people's memories of conversations are distorted by emotions and expectations so it is quite likely that an employee coming out of an emotional warning conference will have a faulty memory of the specifics, unless the memory is aided by a written summary.

Second, documentation provides insurance for post-termination confrontations. If the employee challenges a firing — either before an owner, a board, or an unemployment claims officer — claiming that adequate warning was not given or that the reasons are groundless, a written record of the entire process should provide sufficient evidence to counter these claims.

Keep employers informed. Another means of avoiding potential confrontation is for the director to keep her employer up-to-date on the situation. For a director who is also the owner of the business, of course, there is no one else to turn to. However, if the director answers to a board, an owner, an executive director, a regional director, or a sponsoring agency, the appropriate party should be consulted as soon as the possibility of a termination arises. The privacy of the employee must be respected, so prior consultations should be made in confidence. One director kept the board's chairperson advised, rather than discussing the situation with the full board. When the terminated employee appealed to the board, the chairperson was able to verify the director's account of the process.

Completing the Process

Once the termination process is set in motion, a clear conclusion is necessary.

Here are the directors' recommendations for minimizing the negative effects of the final act on the employee, the director, and the organization.

Make the decision objectively. It is, of course, impossible to remove all emotion from a termination decision. How you feel about the person, how the decision will affect the individual and his family, and how it will impact the staff, all will influence the decision consciously or unconsciously. The director should not try to deny these emotions, but keep them in perspective so that they will not cause a bad decision to be made.

One way to keep issues in perspective is to avoid making a termination decision while under stress or in a crisis. When a teacher arrives 30 minutes late thereby causing the director to miss a meeting, the director may in anger be tempted to fire the teacher on the spot. Weighing the incident later in a calmer mood, the director may realize that this was one of the few times the teacher had ever been late and that to fire her would be seriously overreacting.

Another technique for maintaining perspective is to list all the specific pieces of evidence where the employee is in fact violating center policies or failing to perform her work responsibilities. Then assess whether this list is serious enough to justify termination. If the evidence warrants termination, the director should then weigh the other negative consequences of the termination (e.g. the impact on the individual, his family, the center, the children, and the parents) to determine if the firing can be handled in such a way as to ameliorate these consequences. For example:

- Could the employee be slotted into a less demanding job in the organization?

- Could the terms of the firing be stated in such a way that the employee can receive unemployment?
- Could the employee be given an opportunity to save face by resigning first?

Another consideration at this point is setting the employee's last work day. In general, it is in everyone's best interest for the employee to leave immediately. Once the employee is fired, she may find it embarrassing to continue working at the center. In other cases, an embittered person may make life miserable for the staff or the director by stirring up trouble in the final days. In such circumstances it may be best to pay the employee severance pay for one or two weeks rather than keeping her on the job. In other cases, where feelings are less damaged, it may be helpful to allow the employee to stay on until she can find another job.

Notifying the employee. Once the termination decision has been made, the employee should be told as soon as possible in a private conference. Preferably, this should occur at the end of the day to protect the employee from confronting the other staff members when leaving. Without prolonging the agony by chit-chatting about the weather, the director should tell the employee of the decision in clear and simple terms. If this meeting has been properly prepared for, the decision should not be unexpected. Any sugar-coating or beating around the bush will only confuse the issue.

The director should state the specific reasons for the termination. There may be other unsatisfactory aspects of the employee's performance, such as sloppy dress, bad attitude, or poor relations with staff or parents; but if these are not the reasons for which the employee is being fired, they should not be mentioned in this conference.

The director should also be prepared to answer all the employee's contractual questions, such as what the appeal process is, when the last day will be, whether severance pay and unused vacation time will be granted, and whether the director will write a job recommendation for the employee in the future. All important points should, of course, be included in a termination letter given to the employee during the conference.

In certain circumstances the director may be inclined to offer the employee help in applying for benefits or in finding a new job. This fact should be stated, but the director should not press to offer help unless the employee specifically asks for it.

Announce the action honestly. The other employees, and in some cases the parents, will have an extreme interest in the action. If they are not informed, eventually the rumor mill will begin generating distorted versions of what happened. Such rumors can have a negative impact on staff morale and staff-director relations. Therefore, the staff and parents should be informed about the termination as soon as possible and as honestly as possible, without violating the former employee's privacy by revealing details.

If the employee was popular among the staff and parents, they may find fault with the decision. But the director should not attempt to regain their approval by revealing confidential information or by reversing the decision. More likely than not, however, staff members will be more relieved than angered by the decision. Twenty-eight of the 30 directors reported that staff members reacted positively to termination decisions.

No one enjoys firing an employee, and firings seldom go without some trauma. But to maintain the integrity of the

program for the children, the staff, and the parents, such actions, may be necessary. And, if handled properly, the negative repercussions can be minimized.

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