



Terminations Reference Guide

This guidance addresses recommended procedures for the involuntary separation (termination) of an employee due to a disciplinary or performance issue. The Commonwealth of Virginia wants to ensure these types of separations are conducted in an appropriate manner to maintain the dignity of the employee and the safety of all parties.

Policies	1.40 – Performance Planning and Evaluation 1.60 – Standards of Conduct
Purpose	To balance respect for an employee who is being terminated with the safety of other agency employees.
Plan the Meeting for Terminations Under the Standards of Conduct or Performance Management Policies	<ul style="list-style-type: none">• For all terminations, ensure that Human Resources has reviewed the documentation and conferred with management to decide upon the appropriate action to take.• For terminations under the Standards of Conduct policy, provide the employee with due process as required by policy and allow adequate time for the employee's response.• Prepare the Written Notice ensuring it:<ul style="list-style-type: none">○ Accurately describes the misconduct.○ Does not overreach by combining several Group I or Group II offenses into a single Group III.○ Avoid multiple charges of different levels on the same written notice unless the charges are related to the same incident.○ Identifies the appropriate policy or relevant rule violation(s) if applicable.○ Includes the offense codes.• For terminations under the Performance Management policy, ensure the employee has received regular feedback during the performance improvement period.<ul style="list-style-type: none">○ No later than two weeks prior to the end of the period, draft a final performance evaluations that outlines the continuing performance deficiencies. Be as specific as possible.• Decide who will conduct the termination meeting and who will attend as a witness. Typically, the witness should be someone in the employee's chain of command or Human Resources staff.• Coordinate with IT, facilities, and/or other units responsible for maintaining the employee's access to agency/state computer systems, the building or other facilities/equipment/vehicles.

	<p>Arrange to have access removed at the time of the termination meeting if it was not previously removed during the due process.</p> <ul style="list-style-type: none"> • Notify security personnel of the impending employee termination to prevent unauthorized re-entry to the premises once the termination occurs. • Assess the potential for a violent reaction by the employee. This should be based upon the type of offense, the employee's prior and current behavior. If the potential for violence exists: <ul style="list-style-type: none"> ○ Arrange to meet in a conference room or other neutral location. ○ Contact Capitol Police, state police, or the local sheriff's office to request an officer be present during the termination. The officer should not be in the room during the meeting and should be stationed nearby ready to respond as needed. ○ If needed, and appropriate, either arrange for employees with offices near the meeting location to be off-site or move the meeting to an off-site location. ○ If the potential for violence is extremely serious, the termination notice may be conveyed by phone or virtually with the written notification delivered via email, certified mail, courier, or postal mail. • Plan what to say. Stick to the facts and keep it brief. <ul style="list-style-type: none"> ○ Note that additional information regarding benefits and leave payout will be forthcoming. Provide contact information for the Agency's Human Resources staff. • Determine if the employee will be permitted to pack and retrieve personal belongings or if the items will be packed and available for retrieval at another time. • Decide if the employee will be provided the option of resigning in lieu of termination. Such a decision must not be made and accepted during the termination meeting. Rather, provide the employee with a date to submit their written resignation. Be sure to advise the employee that the record will cite "resigned in lieu of termination" and that resignations may not be grieved. • If the employee is a sworn officer and issued a weapon as part of their duties, determine if the weapon needs to be retrieved prior to or at the start of the meeting. This may have already occurred if the employee is on pre-disciplinary leave. If appropriate, establish a plan for retrieving the weapon prior to entering the meeting room.
Conduct the Meeting for Terminations under the Standards of Conduct or Performance Management policies	<ul style="list-style-type: none"> • Encourage the supervisor/manager and the witness to sit nearest the exit in case the employee reacts in a violent manner. • If a Police Officer is present, station them nearby and arrange a signal to prompt their entry into the room as needed. It is not appropriate for the officer to be physically present in the room

	<p>during the termination meeting unless the potential for violence is extremely dangerous.</p> <ul style="list-style-type: none"> • Remain calm and lead the conversation. • Provide the employee with the Written Notice, performance evaluation or appropriate letter and request their signature. • Treat the employee with dignity and avoid embarrassing the employee. • Except for a handshake, do not touch the employee for any reason or allow the employee to touch others in attendance. This includes attempts to console the employee. • Watch for warning signs of violence and respond appropriately. This includes notifying law enforcement. • Keep the discussion brief. Do not engage in argumentative or confrontational debates with the employee. • Ask the employee to immediately return their state badge, keys and any other state property. • Ensure the employee understands the termination is non-negotiable. • Inform the employee of their grievance rights if applicable. • If appropriate, escort the employee to their workstation to retrieve their personal belongings. Limit this to no more than ten to fifteen minutes and always monitor the employee. The employee must not be permitted to access the computer. • Respectfully escort the employee (or have a Law Enforcement Officer to do so as needed) from the premises and to their car, bus stop, etc. • Do not permit the terminated employee to return to the workplace without management's approval and a security escort.
Employee Assistance Program	<ul style="list-style-type: none"> • All state health plans include an employee assistance program (EAP) • EAPs include up to four sessions at no charge for services such as mental health counseling, grief counseling and financial services. • Advise the employee that the EAP services are available only while the employee remains covered by the state health insurance plan which is usually concluded at the end of the month when the employee is separated unless the employee elects to continue their coverage through COBRA.
Potential for Workplace Violence	<ul style="list-style-type: none"> • Recognize and report to Human Resources any warning signs displayed by the employee during the termination meeting: <ul style="list-style-type: none"> ○ Unusual body language ○ Any alarming behavior – e.g., banging on the table ○ Any threatening remarks ○ Noticeably unstable, emotional responses ○ Explosive outbursts, anger or rage

	<ul style="list-style-type: none"> ○ Suicidal comments – e.g., “putting things in order” ○ Paranoid behavior – e.g., “everyone is against me” ○ Talk of severe financial problems ○ Talk of previous incidents of violence ○ Expressions of empathy with individuals committing violence ○ Unsolicited comments about firearms, other dangerous weapons, and violent crimes <ul style="list-style-type: none"> ● If there is reason to believe that the employee may attempt to retaliate with violence, circulate a photo to security, front desk personnel, managers, and supervisors. ● Determine the appropriate message to front desk personnel and co-workers regarding the potential for the employee’s return. ● Verify the employee’s access badges and IT accounts were suspended. ● If the employee attempts to return without management approval, notify law enforcement as appropriate.
--	---