

# Firms find that breaking up has best practices

*Firing an employee is anything but easy*

By  
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After developing the art of the deal, Donald Trump may have fine-tuned the art of dismissal. He stares ahead in a board room and with a targeted precision issues a decision to send an employee packing.

It's over in seconds, and the would-be apprentice trudges out of TV land, tugging a suitcase along with vows to succeed and, sometimes, to return. It's clean and clinical.

But then that's reality TV, not reality, and people let go on the show probably wear their disappointment as a kind of badge of courage and celebrity.

Despite Donald Trump's flare for uttering two little words — "You're fired" — in front of a national audience, firing an employee is anything but easy

and entertaining. Experts see it as often the most personal, and painful, part of an executive's job.

"Generally, there's guilt associated with firing people. It's not a pleasant experience for most," said Robert Ebers, president of Knowing Point, a consulting and training company in Huntington Manor. "Nine times out of 10, they actually don't fire people. The people actually fire themselves through a lack of performance. That usually relieves the guilt that employers feel about letting someone go."

While there's no rosy way to let someone go, there are best practices and procedures that can protect the company and ease the process.

New York is considered an "employment-at-will state" in which employees can be let go for any reason or no reason, as long as there's no discrimination, except as provided in employment contracts and union agreements.

Still, firms do best to document decisions and not misrepresent reasons given to employees.

"If you give a reason, the best policy is to make sure it's the accurate reason," said Ellen Storch, an employment attorney at Moritt Hoch Hamroff & Horowitz, based in Garden City. "In the event that the company is later sued and has to defend the suit, it's easier to defend if the story is real."

Richard Rappaport, managing attorney at Richard V. Rappaport and Associates, in

Garden City, said Friday is still the norm for firings, giving the employee and others two days to adjust.

"One school of thought is Friday the end of the day," Rappaport said. "Some companies will do it early Friday and have the employees go home."

While Ebers cautioned against letting go of a worker in front of co-workers, Rappaport said executives may want to have another person in the room in case of litigation.

Those who want to avoid letting someone go can create a situation that prolongs the process and creates new problems.

Executives at one Long Island company decided that rather than go the Trump route of two-word termination, they'd encourage an employee to exit. They removed the employee's responsibility and hoped the person would get the message and quit. The employee for all



Robert Ebers: Letting someone go is painful.

practical purposes was fired, but didn't know it yet.

"Everybody knew, but the person," Ebers said. "The person was out there, stranded without any support before discharge. They didn't want the confrontation. They're trying not to participate in a difficult conversation."

They eventually fired the employee, after a lame-duck period that didn't do anyone any good.

While executives may want to dismiss an employee after reaching their decision, that's not always a good idea, either.

If an employee's work is "not totally unacceptable," employers may want to line up a replacement first, Ebers said. The exiting worker may even train a replacement.

"I want my client to be in control of the process and I don't want the business left uncovered," he said.

When firms lay off workers due to financial decisions, they may use job fairs and outplacement counseling to ease an exit.

JPMorgan Chase has been at the forefront in providing services to employees let go due to acquisitions and restructuring, according to Ebers.

"They have provided a huge set of resources to help in the transition of people," he said. "You want people to leave with as much as possible. You want them to leave feeling good about your company, as good as you can." ■