

PRE-DISCHARGE CHECKLIST

- Did the employee violate an existing rule or policy?
- Is the rule or policy posted or published?
- Was the employee aware of the rule or should they have been aware of it?
 - Has the rule or policy recently changed?
- Was the violation or incident properly investigated?
 - Can the violation be independently verified?
 - Were all witnesses interviewed (including employees, supervisors, and witnesses identified by the employee)?
 - Was the employee interviewed?
 - Were all necessary documents and physical evidence obtained?
- Does the violation warrant discharge/does the punishment fit the crime?
 - Has the employee received written warnings for the same conduct in the past?
 - Was the incident/violation sufficiently severe to warrant discharge?
 - Did the incident/violation create safety concerns?
 - Could the incident/violation create liability for the facility?
 - Did the incident/violation result in significant monetary losses?
 - Does the employee have a documented record of performance deficiencies?
- Have alternatives to discharge been considered?
- Are previous performance appraisals inconsistent with discharge?
- Is the employee in a protected group?
 - Title VII, ADA, ADEA
 - Has the employee made any protected complaints in the past 6 months?
 - Has the employee recently taken a leave of absence?
 - Has the employee recently filed a workers' compensation claim?
- Has a similar incident occurred in the past and, if so, was it handled similarly?
- Is the written/oral record consistent with the stated reason for discharge?
- Is severance and a severance agreement necessary?
- Does the employee have a written contract that requires severance, notice, or cause?