



# **INVOLUNTARY EMPLOYMENT SEPARATION/TERMINATION STRATEGIES**



## ACKNOWLEDGMENTS

This document arises out of a blog post that Sean Ahrens, CPP, CSC made on the Association of Threat Assessment Professional Forum on February 3, 2021 at 7:32 AM, suggesting a crowd sourcing effort for a "...checklist, which addresses simple, best practices for an involuntary termination." The resulting documentation would not be possible without the assistance of the following individuals:

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The intent of this document is to provide resources and methodology so termination proceedings are less likely to have a violent escalation.

# Involuntary Employment Separation/Termination Strategies

## INTRODUCTION

The following guidance for Employment Separations is made free for use and combines the thought leadership of multiple people from the Association of Threat Assessment Professionals (ATAP). The hope of this guidance document is that it is used proactively as a tool for an employer’s person-centric termination process to manage and mitigate behavioral risk concerns before, during, and after an involuntary termination of an employee. As such, this document is provided in the beginning of this PDF in word format for customization to your respective environment.

It is commonly found that organizations are unprepared to manage and respond to potential scenarios where employees proposed for

separation may act out. There are multiple preventative processes and anecdotes, but there is not one prescriptive method to address an individual’s behavioral risk concerns at employment separation, which could result in violent harm to self or others. This tool is intended as a starting point to assist employers to proactively address separations. Given the absence of formal research into safe separations, empirical studies are ongoing. Consider this guide a living document which will be reviewed and updated as additional best practices surface.



## DEFINITIONS

**Behavioral Health:** The scientific study of the emotions, behaviors and biology relating to a person's mental wellbeing, their ability to function in everyday life, and their concept of self. "Behavioral Health" is the preferred term to "Mental Health." Violence in the Federal Workplace, 2019.

**Behavioral Risk:** Individuals who exhibit the following characteristics may present risk of becoming a threat to the organization: minimizing their mistakes or faults; inability to assume responsibility for their actions; intolerance of criticism; compulsive and destructive behavior; rebellious or passive aggressive behavior; lack of empathy; history of managing crises ineffectively. Violence in the Federal Workplace, 2019.

- The Federal Bureau of Investigation's report titled, "[Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks](#)" (2017) is a valuable resource organizations can use to gain a better understanding of behavioral risk assessment and strategies.

**Direct/Veiled Threat:** Direct or implied communication or action that is intended to create a reasonable fear that injury could occur or intentionally create emotional distress to another person. A direct threat is straightforward ("I'm going to kill you") while a veiled threat is implied ("I could make my manager disappear if I wanted to").

**Interview:** A structured or semi-structured conversation with another person to gather information on the behavioral risk picture of a person of concern. The information solicited often centers around the who, what, where, why and how an act or event occurred.

**Interrogation:** An undesirable interview technique, which is not recommended for an individual who may act out. The technique includes a direct interview session where the investigator attempts to use rapport, accusation or deceit towards obtaining an admission regarding their direct involvement in an act or occurrence.

**Leakage:** The communication to a third party of an intent to do harm to a target. Third parties are typically other people, but the means of communication could vary widely, from planned or spontaneous utterances, to letters, diary entries, digital communications (emails, voice mails, blogs, journals, internet postings, tweets, text messages, video postings), and future communication technologies.

**Pretext:** Fabricated scenario that provides a reason to make contact with the individual for the purpose of determining wellness or animosity towards the organization.

**Threat Management Team:** A multi-disciplinary group of individuals from interdependent organizational departments that assemble to identify, evaluate, and address threats or potential threats manifested by unacceptable behaviors exhibited on/off company premises.

**Threats by Proxy:** A threat directed by an aggressor to a person through a third party (i.e. hiring a programmer to write automatic threatening texts, a sister harasses her brother's ex-wife.)

**Workplace Violence:** Unwanted, unsolicited behaviors, occurring within company-controlled property or locations associated with the company, that generate a reasonable concern for one's safety, security or mental well-being. The behavior can be progressive, it can be immediate, or it can be accomplished through proxy.

- Examples of behaviors leading to reasonable safety concerns can include but are not limited to acts of physical violence, direct or indirect threats, verbal, nonverbal, and physical intimidation, implications or suggestions of violence, possession of weapons where prohibited, assault of any form, physical restraint or confinement, dangerous horseplay, loud disruptive or angry language or behavior atypical of the work environment, commission of violent crime, or any act that a reasonable person would perceive as a threat of violence.

## BACKGROUND

There are four areas of consideration within workplace violence. These include:

1. **Environmental factors** (i.e. proximity to church, in high-crime area, work alone condition, handles cash or valuable currency, hot environments, stressful work and related).
2. **Prevention approaches** (i.e. training, policies, procedures and related).
3. **Management approaches** (i.e. threat assessment team, investigations and related).
4. **Response measures** (emergency preparedness, insurance crisis management, communications and similar).

This document is focused on preparedness but is intended to support any organization where there is or isn't a formal workplace violence program. It also is intended as an informational resource for those who are concerned about an upcoming termination – “A gut feeling” regarding how an employee will respond to negative information and unfavorable developments.



## DISCLAIMER/NOTICE

The intent of this document is to support Human Resources or other corporate administrative functions such as Behavioral Risk Management/Threat Management Team, and should not be considered inclusive. When in doubt, or if a threat is imminent, seek outside help from external partners immediately. There is no shame in seeking additional support.



## STAFF CONTACT WITH EMPLOYEE

The decision to terminate may arise out of habitual process, which is marked by a Performance Improvement Plan (PIP) or progressive discipline process. It may manifest from one or more policy violations. Regardless of motivating factor(s), there should be contact with the individual slated for termination prior to the termination in order to address and document the investigative or procedural process. This is an excellent opportunity to evaluate the employee's disposition.

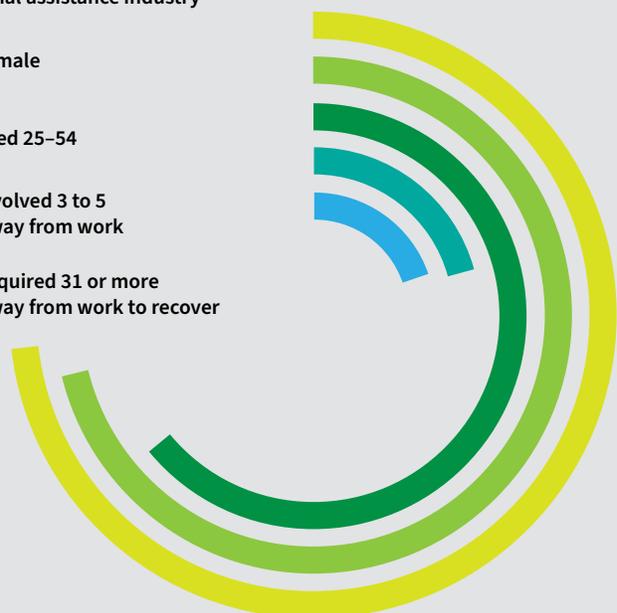
## PRE-INVESTIGATIVE INTERVIEW CONSIDERATIONS

1. Separation will require investigation or a performance improvement process. It's possible that corporate policy requires suspension/administrative leave during the investigation.
2. Gathering the subject employee's statement will be required. Before the employee interview, consider whether suspension of that employee might occur at the conclusion of the meeting depending on the outcome of the investigation. Questions to consider:
  - Will the suspension be with or without pay? Whenever possible, suspension with administrative pay is advisable.
  - Plan to coordinate with Labor Relations, Human Resources, and Legal because even a suspension with pay may trigger the person to act out.
  - The interview should be discreet and confidential, and ideally conducted away from fellow employees. (i.e. manufacturing floor, break area/cafeteria)
  - Interview the employee about their involvement in the situation. Treat the employee with dignity and respect, and avoid an atmosphere of interrogation.
  - Seek facts. Do not render opinions. Fully document the who, what, where, when, why and how questions of the interview.
  - Identify other witnesses that can corroborate or refute the original complaint or policy violation.

The Occupational Safety and Health Administration (OSHA) estimates more than 2 million individuals are affected by workplace violence every year.

According to the Bureau of Labor Statistics (2018) 20,790 workers in private industry experienced trauma from nonfatal workplace violence in 2018. These incidents required days away from work. Of those victims who experienced trauma from workplace violence:

- 73% worked in the healthcare and social assistance industry
- 71% Female
- 64% Aged 25-54
- 23% Involved 3 to 5 days away from work
- 20% Required 31 or more days away from work to recover





## PREPARING FOR AN INVOLUNTARY SEPARATION

When working with someone who has the potential to act out, the core goal in the process should be to treat the person with the greatest dignity and respect. As a rule of thumb, consider the situation from your own perspective. For instance, meeting with a staff member in front of their peers and calling them back to your office, may not be the best approach. In short, treat people in the same manner as you want to be treated.

1. The first question is why is this person being terminated?
  - Is this performance-related? If so, were they on a Performance Improvement Plan?
  - Is this due to a Reduction In Force (RIF) or workforce downsizing?
  - Has a termination event or policy infraction occurred?

Has a proper, neutral investigation been conducted? The following questions should be addressed by management at least one week prior to the initial interview or investigation. “Yes” answers could indicate greater concern and the need for additional planning or support, such as engagement with a Threat Management Team.

- Has the employee reacted to disciplinary information negatively in the past?
  - In what ways did they negatively react and to what degree? Have they yelled? Were they visually holding back their outburst? Did you observe somatic signs such as clenched teeth, balled up fists, flushed face, intense staring?
- Is the separation because of a workplace violence policy infraction?
- Has the employee ever presented behavioral risk concerns?
- Has the employee shown other behavioral changes that may be of a concern?
- Do you know if the employee has any recent or current personal stressors that are adding to the disciplinary process?
- Is the employee without personal support (family/friends)?
- To your knowledge, are there concerns about the employee regarding theft or incidents of sabotage via their access to sensitive or potentially dangerous organizational materials?
- Do you know if the person has access to weapons? Does their employment require the use of weapons, tools or implements (i.e., armed security/law enforcement personnel, custodian, food preparation)?





## IMMEDIATE POLICY VIOLATIONS

If an obvious policy violation has occurred, which is either directly witnessed or corroborated quickly through an investigation, consider immediate suspension with administrative pay.

- Is a progressive discipline situation possible?
- If suspension is possible, prepare a packet of information outlining the process, steps, timeline and pre-defined touch points when the employee will be contacted to update them on their employment status.
- Consider offering or requiring Employee Assistance Plan (EAP) and/or evaluation for Family and Medical Leave Act (FMLA) or Short Term Disability (STD) if it appears that mental health is a concern.
- Suspensions should not be a personal decision, but reflected in policy. The investigator is only following corporate policy rather than appearing biased. Ensure you have a policy that addresses this.



## INVOLUNTARY TERMINATION CHECKLIST

It is critical to ask introspective or direct questions about the person who is to be terminated. “Yes” answers may indicate a greater concern and the need for additional planning or support, such as engagement with a Threat Management Team.

- Is the employee still in the workplace?
- Have they been sent home without pay?
- Is the person aware termination may be imminent? Have they been part of a Performance Improvement Process?
- Have coworkers expressed concerns about how the person may react if/when job separation occurs?
- Do employees/colleagues describe the employee as combative, hot-headed, fragile or toxic?
- Does the person have a support group? Partner or significant other? Family? Are these individuals local?
- Does the employee have a supportive family life?
- Has the employee worked with the employer for a significant amount of time?
- Does the person have close friends at work? Supportive coworkers?
- Is the employee local to the facility? Do they reside nearby?
- Does the individual dislike the person conducting the termination?
- Is person who complained scheduled to take part in the meeting? [It is recommend that the complainant not participate in the termination meeting]



- Does the employee have a violent criminal history? Has a verified/accurate criminal history been obtained for the individual?
- Are there “soft landing” options available? (Vested benefits, severance pay, effective date for coverage or leave options, benefit extensions including access to EAP services and health insurance?)
- What is the person posting publicly on social media? Are they venting and displaying anger toward the organization or employees, or posting online veiled or direct threats (“leakage”)?



## TERMINATION PLANNING & MEETING

“Amat Victoria Curam” (Victory Loves Preparation) emphasizes the primary focus which is to plan, plan again, and continue to plan when dealing with an employee exhibiting behaviors of concern.

1. Prepare a script, consider what-if scenarios and how you would react to various situations. Recognize and involve others (legal, labor, union representatives, security) in all aspects of the termination process. Where applicable, consider involvement by outside support. The script should be brief, but maintain the respect and dignity of the person. Organization representatives should not be baited into an argument, and the focus is being direct, firm and supportive.

Where possible and safe, structure conversations in two parts: In the first part, give the person 3–4 key pieces of information (your employment is ending now, your pay will continue until (insert date), we won’t contest unemployment, confirm contact information and set meeting for next day, review key points for second conversation) In the second part:

- Ask what questions the person has.
  - Answer any open questions from the first meeting.
  - Describe the timeline to the employee (last paycheck, insurance end date and EAP end date).
  - Additional details that weren’t covered in first meeting (whether a reference will be provided, arrangements for any personal effects).
2. Given the organizational delegations/assignments and dynamics, consider the best person from the organization to deliver the separation notice.
    - Will termination be done by an individual (i.e. manager, human resources staff) who is properly trained in the termination of a person who may act out?
    - Identify participants. As few as possible, but not less than two individuals.
      - Considerations should be given to how the subject employee will respond to the participants and number of participants. Other participants can include:
        - Union Steward.
        - Only those with a need to know should be aware of the termination meeting.





- Undesirable participants
  - No students/interns or junior staff members.
  - No staff/employees involved in complaint that lead to termination decision.
- 3. Thoughtfully consider the location.
  - Off-site, on-site or remote (phone, virtual meeting)
    - Consider off-site.
    - The method of conducting the termination meeting should be carefully considered. Remote terminations are generally discouraged, but there may be instances where they are required. (COVID-19, distance from the employee's residence to workplace, etc.)
    - On-site physical locations where terminations shall occur should have multiple exits.
      - Near an exterior wall that is near an exit.
      - Arrange seating so that the delivering employer should be accessible to the door and not boxed in by the employee that is being terminated.
      - Choose a room where doors swing outward from room.
      - Consider the employee's parking and building access when selecting a location.
    - Have an area outside the room where the employee can securely leave coats, lunch containers, backpacks, gym bags, etc. Do not let the employee bring any of these items into the room with them. Take off jackets/sweatshirts, etc., if appropriate.
    - Away from employee congregation? Gathering spots? Or administration areas
    - Away from peer group – maintain dignity and coordinate a discreet means of exit.
    - Contact security/police to be present, and have additional staff to monitor area.



- Thoughtfully consider day and time, if possible
  - The designated day to terminate is based on work schedule/hours. While most agree terminating on Friday is not ideal, there may be extenuating circumstances, or the employee may work on schedule that is outside of a normal work week. The intent is to give the opportunity for the staff member to contact co-workers or other staff members, to ask questions which will assist with the trauma of the termination and avoid a time where the employee “broods” over the event without opportunity to vent. The best termination date will be driven by work days and times, and should not be considered absolute for all workspaces/departments and staff. Environmental factors such as social distancing and COVID-19 may also play a role in scheduling.
- Personal belongings
  - Prepare a plan for personal belongings.
    - Will the separated employee be allowed to gather his/her personal belongings? If not, who will gather them? Is there a day/time for gathering belongings that helps to protect the separated employee’s dignity?
      - Employees should only be allowed into the building after hours.
      - Employee should be constantly escorted by 2 staff members. Do not allow employee to pick up at the facility unattended; do not let employees go to other locations than their work space.
  - Thoughtfully consider how to retrieve organization-owned items (I.e. ID card, access cards, computer, phone, equipment, etc.) in advance of final payment or compensation.
    - Do not make the employee return to provide work equipment. Arrange for courier service to obtain all work equipment not on their possession at the separation meeting.
  - Have options for retrieving personal belongings
    - Compensation for items?
    - Packing/shipping.



- If employee has belongings at the facility in a locker or office.
- Request permission to access items. As allowed by policy, cut locks. If there is damage to personal property, provide restitution for any damage to exceed expected value.
  - Segregate organizationally owned items from personal belongings.
- Inventory and professionally pack items for return to employee.
- Have two managers involved in documenting, inventorying, photographing all employee belongings, pack everything and sign inventory sheets.
- Arrange for secure delivery (i.e. Fed Ex, courier, etc.) to employee's residence. Notify the employee to inform them when it will be delivered and require signature. Confirm and memorialize the tracking receipt.

#### 4. Additional controls

- Evaluate controls to be used. These include, but are not limited to:
  - Introduce EAP and provide direct contact information to assigned case manager.
  - Job/hire employment services.
  - References. What will organization say if contacted by potential future employers? [Recommend being clear to avoid future confusion or anger]
  - Extension of insurance.
  - Pay
    - Paid leave?
    - Pay extension?
    - Stipends/scheduled payments?
    - Severance packages?
    - As allowable, donation of company equipment? (i.e. let them keep their phone/computer, etc. after wiping)

- For high-risk termination, do not contest unemployment claims. To do so may further antagonize the individual against the organization and its leaders or employees.
- Prepare a communication packet containing information and resource phone numbers. Ideally have last check at meeting. If this is not possible, identify when they will receive their check, and make sure it arrives. Consider courier, or overnight guaranteed service if not by direct deposit.
- Further considerations
  - Is a Restraining/Protective Order needed? This should be done in consultation with a behavioral/mental health professional.
  - Conveying trespassing/visitor policies? This requires these policies are in place and communicated to employees.
  - Ask for security or law enforcement presence, special patrols after employee departure, ask police if they can stage a police vehicle at employee entrance? Position police vehicles for optimum visibility.
  - Staff communication Be-On-the-Lookout (BOLO) communication
  - A person's termination should not be disclosed; however, generally an organization can be reminded about personal safety and building access procedures.
  - Place a photo into the termination file, and ensure that it is communicated into a security pass-down book.
- Victims
  - Determine whether targeted victim employees and coworkers feel safe and consider enhanced facility security such as:
    - Additional security staffing
    - Relocation
    - Assigned parking space close to building entrance and within high visibility
    - Rental car
  - Home security
  - Vehicle security
  - On-line anonymizing services
- Additional thoughts
  - How will you share information about the employee's separation with coworkers? (Established talking points.)
  - Ask the employee how their separation should be communicated to other staff. As allowable, communicate these messages to staff. Ask if they would like to have a personal message emailed to staff.



- Do not refute an employee’s perspective how the termination occurred with other employees. If questioned by other employees why the termination occurred, simply respond “I don’t know, I wasn’t involved” or “the person resigned” are appropriate answers. Avoid creating conflict with the employee and his former coworkers.
- As appropriate, provide employee photograph and vehicle information (if known) to law enforcement/security personnel with a “do not permit re-entry warning” to be maintained at security/reception areas.



## SEPARATION DAY

The key to involuntary termination is rooted in respect, and the willingness to support the employee and maintain the employee’s dignity with the opportunity for an honorable exit.

1. Termination day
  - Scan employee’s social media posts to ascertain if “leakage” is present.
    - If so, postpone termination meeting, continue pay and seek outside assistance.
  - Pre-screen designated meeting area and review seating, look for potential improvised weapons.
  - Confirm attendance by meeting participants, police, security, etc. Terminations should be conducted with a minimum participation of two designated individuals.
2. Meeting
  - Ideally brief, scripted according to employee’s specific circumstance and personality, and rehearsed for familiarity with statements to be conveyed.
  - The termination meeting should be brief, no longer than 15 minutes. Kleenex, food (candy bars), water should be on-hand for somatic responses.
  - Have all termination documents prepared prior to the actual termination process.
  - Acknowledge that documents may be overwhelming and difficult to process in these circumstances – offer a resource to answer questions and set follow-up conversation to review documents, especially paperwork related to insurance and unemployment
  - Refer to the reason for the termination, do not engage in attempts to make conditions personal.



- During termination
  - Revoke/suspend/sever computer and access control privileges.
  - Evaluate other systems that may be at risk and take appropriate measures actions to protect those assets.
- Threats during meeting
  - If an employee makes threats during the meeting, safely and quickly conclude the meeting and send the employee home.
    - Verify they depart the premises Is a security escort needed?
- 3. Somatic/verbal language.
  - Maintain engaged eye contact, but avoid staring.
  - Avoid unnecessary movement, be conscious of facial expressions, or laughter, smirks, grinding teeth, flushed face, clenched hands or similar. If observed, note these non-verbal cues, ask if they are okay and whether they would like to continue.
  - Monitor for somatic responses by the employee: clenched teeth, balled up fists, flushed face, intense staring. If observed, communicate that you have recognized these behaviors and ask if they are okay. Offer food, water, Kleenex, etc.
- 4. Terminate employee, deliver termination paperwork and separation packet.
  - Collect parking pass, keys, tools, materials, computers, access control cards. (if applicable, return to HR)
    - Identify consequences for unreturned items. (i.e. laptops, phones, etc.)
  - Have EAP information available to discuss with, and offer to, employee.
    - If possible, extend EAP benefits beyond separation date.
    - Mention EAP program features (financial or legal counseling, EAP services available to family members).
  - Schedule time to recover personal items.
  - Determine who will escort the employee and if security or law enforcement are required. Have two staff members escort the employee out of the facility discretely to their car or arranged transportation.
  - Immediately communicate to security, managers and staff the outcome of the proceedings. The termination should be characterized as a “parting of the ways”, along with wishing the person success.



## POST SEPARATION MONITORING

One underutilized tactic in a termination process is monitoring. Human Resources personnel can use follow-up communication and ongoing support to gauge the demeanor of the terminated employee. Monitoring can involve managers, human resources, or even former peers. The intent is to ascertain if there is any vocal or somatic cues which may suggest animosity towards the employer or its employees. The following is suggested as a monitoring approach:

1. Where possible, inventory and monitor social media, and maintain search alerts for the employee and the company over a determined course of time.
2. Continue monitoring relevant social media profiles to gauge coping and presence of “leakage” direct or veiled threats or videos.
  - 1 day follow-up by HR
    - Unemployment, dates of final pay, vacation payout, health insurance benefits and options, other personal items, and any other questions the person may have.
    - If in-person, propose meeting in a public place (coffee shop, for example) of the person’s choice near their residence.
    - Document call and demeanor.
  - 1 week follow-up by former peers.
    - As allowable, ascertain any concerns from coworkers or persons who are close to the individual.
    - Document peer responses and their observations.
  - 4 weeks follow-up by Human Resources (verify final pay, upcoming end to insurance or other benefits, or other dates related to employment)
    - Offer additional controls.
      - Ask how they’re doing?
      - Offer additional job placement support.
      - Document call and demeanor.
  - 4 weeks and beyond
    - Touch base with peers and see if they have spoken to the employee ask how the previously terminated person is doing? Have they gotten a new job? Document file with findings.
    - Continue to periodically monitor public social networking profiles.
  - For significant concerns, a Private Investigator could be utilized to Monitor/surveil the individual over a period of time to ascertain planning, reconnaissance.
    - Consult legal department, prior to hiring.
    - Obtain investigation briefs from the investigator.



## CLOSING CONSIDERATIONS

Controls identified herein are sometime supported by policies and procedures. Ideally, the following policies, charters and, where applicable, procedures should be considered prior to an involuntary separation process. These include:

- Creation of a Workplace Violence Prevention team with leadership support and commitment.
- Establishment of preventative strategies.
  - Develop a Threat Assessment Team and processes for exercising that team.
  - Create assessment tools to evaluate and assess the probability that a person may act out.
  - Scope to include all persons and all locations where business will occur, and any threats by proxy.
  - Proactively seek and retain outside clinical psychologist support.

## POLICY AND EMPLOYEE MANUAL AND OTHER IDEAS

- Workplace Violence Policy, and as applicable, to include zero tolerance approaches towards unacceptable behavior.
- Threat Management Team creation
  - Exercise team/table top exercises/ongoing trainings.
- Weapons policy
- Workplace Violence Prevention and Intervention Program.
  - Exercise team in mock involuntary termination processes.
- Trespassing policy
- Requirements for protective order, restraining order communication.
- Establish Be-On-the-Lookout (BOLO) notification process.
- Emergency contacts
  - Legal.
  - Insurance and benefit contacts.
  - EAP intake contacts.
  - Crisis Management Team.
    - Other counseling.
    - Behavioral psychologist.



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