

## When You Reluctantly Determine It's Time: Take These 3 Critical Steps When You Terminate a Staff Member

By Frank Sommerville

SOMETIMES A STAFF MEMBER simply will not work out. You work with them. You advise them. You pray with them. It still does not work out. You reluctantly decide that the staff member must seek employment elsewhere.

The Apostle Paul had a similar situation and it is described in Acts 15:36-41. Paul and Barnabas had a sharp disagreement over whether to allow John Mark to accompany them on a business trip. As a result of the disagreement, Paul chose Silas to accompany him on the business trip while Barnabas chose John Mark. Both were commended by the church to go to the other churches and encourage them.

In today's litigious society, one must

use wisdom and judgment in terminating a staff member. Otherwise, ministry resources will be diverted to pay legal expenses and potential judgments in favor of the ex-employee.

**Step 1.** First, you should confirm that the reasons for the termination are reasons that are allowable under federal, state and local laws. Federal law protects employees who meet certain criteria from adverse employment decisions. You may not terminate an employee because of their race, color, national origin, gender, marital status, age, disability, or pregnancy.

In some cases, your organization may not terminate someone because of their religious beliefs. Some state and local laws add new prohibited forms of discrimination. As a result, you should check with your local state employment office to determine the prohibited forms of discrimination in your area.

**Step 2.** Second, you should document in writing the reasons why the staff member is not meeting the needs and expectations of the organization. These reasons should not include any of the prohibited forms of discrimination.

These reasons should comply with your employee handbook and your policies and procedures.

**Step 3.** Third, you should review the policies and procedures to determine the appropriate steps to take before terminating an employee. Many employers utilize a progressive form of discipline. This means the employee is entitled to oral and written warnings before termination can occur. As a result, you should review the documentation in the employee's file to determine that all steps have been taken that need to be taken.

After completing steps one through three, you should determine when and where the termination should occur. You should also determine whether you need to seek counsel from an attorney and whether you may need a release.

**Frank Sommerville, CPA** is an attorney, former member of the CMA board of directors, and serves on the CMA Human Resources Section Resource Commission. He is a shareholder in the law firm of Weyer, Kaplan, Pulaski, and Zuber, P.C. Contact him in Arlington, Texas at [fsommerville@nonprofitattorney.com](mailto:fsommerville@nonprofitattorney.com) or visit [nonprofitattorney.com](http://nonprofitattorney.com).

### [Book Review]

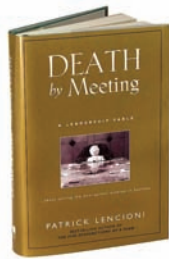
## Death By Meeting

By Carolyn Thompson

WHEN PATRICK LENCIONI first helped us learn about team dysfunctions in his famous business fiction style, we said, "Now why can't everyone write like this?!"

In *Death By Meeting* he not only uses that easy-to-take-in page-turner style (who knew a business book could be a thriller?) but shows us how to use meetings to get the work of the team done (you can get work done in meetings?).

The five dysfunctions of a team (*absence of trust, fear of conflict, lack of commitment, avoidance of accountability and inattention to results*) not only show up in meetings but are actually magnified by putting the whole team in one place.



As you read about the problem created by Casey McDaniel, founder of Yip Software, you'll likely see yourself—hence the ease of learning from Lencioni's books.

Casey and his team have meetings because you're "supposed to" but have no idea "how to" so you can imagine the discussions, or lack thereof, of things that don't matter, things they've discussed for months and repeat endings of who's responsible but never follows up.

If this sounds familiar you must read Lencioni's simple (why didn't I think of this?) and powerful model for making your meetings a place of engagement for your team and a place of passion for your mission and the tasks at hand.

**Carolyn Thompson** is president of Training Systems, Inc. ([trainingsys.com](http://trainingsys.com)), Frankfort, Ill., and is a member of the CMA Human Resource Management Section Resource Commission. Contact her at [cbt@trainingsys.com](mailto:cbt@trainingsys.com).

ONLINE HELP

CMA Management Resource Center  
[CMAonline.org/mrc](http://CMAonline.org/mrc)



Ron Smedley

**Human Resource Management Section Resource Commission.** For more resources on human resource management, go to CMA's Management Resource Center at [CMAonline.org/mrc](http://CMAonline.org/mrc). Email or call the volunteer members of this Section Resource Commission, or contact:

Ronald E. (Ron) Smedley, Section Leader (2004-2006)

Human Resource Management

Email: [ron.smedley@sraonline.net](mailto:ron.smedley@sraonline.net), Phone: (714) 993-5003, Fax: (714) 993-0876

Ronald E. (Ron) Smedley is president of Synergistic Resource Associates ([www.sraonline.net](http://www.sraonline.net)), Placentia, Calif.