



MARKETING / OFFICE / STAFF

The Right Way to Terminate an Employee

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Ending employee relationships is never pleasant. In fact, it's almost always better to spot issues and address them along the way, as opposed to starting over training from the beginning. But in cases when it is necessary to terminate an employee, you want to be fully prepared and try to be as empathetic as possible.

A wise sage once told me, "Be slow to hire and quick to fire." This advice is particularly important on the front end; the hiring end. Though many of us have been in situations in which we didn't feel we had the luxury to take the time we might like to find the perfect fit, my advice is to do everything you can to never be in that situation. The solution? Always have an extra staff person. What it costs you is far less than it will cost you to be understaffed unexpectedly.

Consider using some of the classic employee evaluation tools. I like the Kolbe A Index, as it assesses qualitative strengths, rather than quantitative data. Used in conjunction with a Myers-Briggs assessment (which everyone in the office takes, including the doctor), you can create a team that capitalizes on everyone's strengths.



Assume you are a bit overstaffed. What happens then? You can delegate outreach and marketing efforts, have a practice concierge, follow up on missed appointments more effectively and work the aging reports, thereby covering the increased overhead. You might even discover you are prepared to handle more volume!

What NOT to Do

Three years ago, I had a thriving practice that was incredibly efficient. I had one great staff person and we managed to see many people effectively. Then, highly unusual things started happening. First, a bullet was discovered in the office. This bullet entered at night, ricocheted off a cabinet and then went through a bottle of Purell on the counter, thereby removing all traceable evidence. Bizarre, huh? My CA, who was competent and extraordinarily beautiful, worked hard with the police to help figure out suspects.

Then, \$3,000 went missing from my merchant account. Again, the CA competently and angrily talked to the merchant processor to try to get our missing money back. The merchant processor insisted that a refund for \$3,000 had been made from the practice location. It ultimately turned out that she had issued refunds to her own credit card!

Later, the credit card that I had given the employee to purchase office supplies started showing items like false eyelashes, yoga gear, H-E-B charges and dinners. When confronted, she said she assumed it was her own card that she would make payments on.

Soon, she began spending inordinate amounts of time in the bathroom, vomiting and complaining of stomach pains. She moved four times within a year. Occasionally, she would show up in cutoff shorts and revealing clothing, saying she didn't have time to go home. It became known that she was bartending each evening with a very steady following. She was compensated by different bar owners for posting her location on her Facebook page. Periodically, she simply didn't show up at

all, stating that she was sick, her phone had died, her alarm didn't work, etc.

I felt trapped. I had one incredibly good employee who literally closed 100 percent of care packages, but was unreliable at best and a sociopath at worst. I tried hiring another employee to be trained by the first, but the first one refused to actually train because she wanted to retain control - and her job. Ultimately, after discovering that she had embezzled \$9,000, I told her I had reported her to the police and the bank and would continue to keep her on payroll, paying back what she had stolen, until a new person was hired.

She then decided to read the Texas Chiropractic Act and issue a formal complaint to the board that I was doing everything on their list of things we are not allowed to do. She accused me of everything from using illegal drugs and having sex with patients, to insurance fraud. It took me 30 hours, 60 pages of documentation and nine months for the board to dismiss the case as erroneous.

Later, I found out she had left Utah, taking two of her four children and denying she had any others; abandoned her husband; and had a long history of bulimia and drug abuse. Yes, I finally let her go. Ultimately, she was indicted on three felony counts (two of which were from my office for forgery and embezzlement). Fortunately, I have not heard from her since.

I struggled after she left because I had no one trained and no Mary Poppins of chiropractic to step in and save the day. Clearly, I was not "quick to fire." I wanted to help her.

In this case, I should have terminated her immediately and discontinued trying to make it work. But I had a golden, rotten goose of an employee, and I let my professional life be governed by the monster I created.

Since this experience, I have become cautious. I still want to live my life trusting others, and occasionally get burned rather than live a life of distrust. I have had some incredible employees and some that were decent, but not right for the practice. In these cases, in addition to performing regular (every 90 days) evaluations that they affix their signature to, and documenting absences and issues; as well as attempting to hold regular meetings and set clear expectations, I try hard to actually care about the employee as a person and find them a better fit.

Since starting this program, I have replaced and re-placed four different employees by directly providing solid leads and referrals. If it isn't working for them, I'm pretty sure it isn't working for me.

Do Your Due Diligence

So here is the nitty-gritty, although it does depend upon your individual state law. Texas is a right-to-work state. That essentially means employees have virtually no legal rights; they are entitled to no breaks, no lunchtime pay, no bonuses or accrued vacation pay if they leave; and you can terminate them for being annoying.

Hailing from California, where employees have many rights and justices that represent the opposite extreme from Texas, I am always honest with new employees. I do issue a contract and then let them know that it's essentially meaningless; our relationship is based upon the relationship we create and nurture, not a piece of paper. I let them know how grossly unfair Texas employment law is, and they trust me more for doing so. When I write that appropriate termination of an employee is a state issue, I mean it. Do your own due diligence.

Cleaning House: The Right Way to Do It

In general, these are the steps I follow when looking to clean house in my office:

1. Issue an initial contract and explain the individual parts of it to the new hire.
2. Hold a review at 30, 60 and 90 days; then each year. The annual review is a 360 review where all employees evaluate the employee and we discuss.
3. My review clearly states expectations; in which aspects they are excelling and where they need to improve. I also ask how I can help them meet their goals.
4. If they are not improving or if they need warnings, I issue a written warning stating exactly what will happen if they do not make a change. There are some non-negotiable items listed in our employee manual, such as no drugs or alcohol prior to work, no dating patients, and other items that lead to immediate termination; but most things are better handled with a warning and follow-through evaluation.
5. If I find the relationship is not working, I have a talk with them about what makes them happy, where they are dissatisfied and what more they would like out of their work life. I then set about trying to find them a better fit. I post on LinkedIn, talk to colleagues and actively try to find them a new position. In this way, the employee is incentivized to train a new person; and more importantly, leaves feeling cared about and not feeling trapped in a job because they need a paycheck.
6. One of the most important parts of my contract that I added a few years back is this: "If, after 90 days, the employee decides to give notice and look for another job, I will pay them a \$1,000 bonus to give six weeks' notice and conscientiously train a new person." This gives me every opportunity for a smooth transition and creates goodwill all around.

How to effectively fire an employee is not an exact science. I believe that in small business, and particularly in health care, it is our responsibility to care for people we encounter, whether patients, people on the street that cut us off, our families or our employees. Find out the legal requirements in your own state, when you do and do not have the burden of paying unemployment, and design your own protocols and procedures to handle the inevitable. Losing employees is part of the territory we engage in when we have the privilege of practicing our art.