



Small Business Alert

[SmolenPlevy](#) Law Firm Issues Tips on Firing Staff During an Economic Downturn

(Vienna, VA)— [Small businesses](#) are feeling the same economic pressures as large corporations to lay off employees. The Washington, DC-area law firm [Smolen Plevy](#) says it's vital for employers to know the proper legal steps to take when firing staff in order to protect themselves from costly legal action.

“There’s nothing nice about letting people go,” says [Jason Smolen](#), cofounding principal of SmolenPlevy. “If it’s about the survival of the organization, then there’s no choice. But do it the right way. There’s little point in firing staff to keep your company afloat only to end up mired in costly employment litigation afterwards.”

SmolenPlevy urges small businesses to follow these tips:

- Have a script and stick to it. Make sure it has been reviewed, agreed upon and edited as necessary by both you AND your attorney.
- If you’re going to fire across the board, fire across the board. Avoid discrimination *and* the appearance of discrimination against any group or individual.
- If you’re going to offer severance or additional compensation, make sure ex-employees sign an employment separation agreement that waives any applicable rights prior to the receipt of such severance.
- If you have choices about which person to let go, consult with your attorney. It’s much less expensive than to deal with the Equal Employment Opportunity Commission or litigate in court.
- Don’t turn a without-cause termination into a wrongful termination case by giving out too much or unnecessary information. If workers are let go because of a reduction in force, then let that stand as the reason. Don’t go into the number of times they were late or tell them their work “wasn’t up to par.”
- Make sure fired employees turn in their BlackBerry phones, key and access cards upon their departure. Deactivate their passwords, security codes and any other access they had to the company.
- Don’t let people wonder. Deal with the terminations truthfully and swiftly.

“Small companies, especially those without a human resources department, need to be smart about how they handle terminations,” says attorney Smolen.

Mr. Smolen is available to discuss this and other business related legal issues. For interviews, please contact [Marc Silverstein](#) at [On The Marc Media](#). He can be reached at 410 963-2346 or at marc@onthemarcmedia.com