



It's Hard to Say Goodbye Minimizing Risk When Terminating Employees

Protecting Your Employee Assets: The Life Cycle of the Employment Relationship

Max Barack
Amit Bindra
Helen Bloch
Charles Krugel



Practical & Entertaining Education for:

- Attorneys • Accountants
- Business Owners
- Executives • Investors

Thank you to our co-producer

THE NATIONAL LAW REVIEW

The National Law Review (NLR) is a premier legal news website offering in-depth analysis on a wide range of legal and business topics. Established in 1888, NLR has evolved into a **trusted resource** for legal professionals, business leaders, and the general public, providing timely and relevant information on legislative changes, court decisions, and regulatory developments

Visit *The National Law Review* to learn more
- <https://natlawreview.com/>

Comprehensive Coverage: NLR covers nearly every legal topic, including litigation, AI & the Law, employment law, IP Law, real estate, energy, health care, bankruptcy and much more.

Expert Analysis: Articles are authored by experienced attorneys and legal professionals, ensuring accurate and insightful commentary.

Daily Updates: NLR provides hourly legal news updates, keeping readers informed about the latest developments in the legal world.

Disclaimer

- The material in this webinar is for informational purposes only. It should not be considered legal, financial, or other professional advice.
 - You should consult with an attorney & another appropriate professional to determine what may be best for the needs of your specific situation.
 - While the webinar producers & speakers take reasonable steps to ensure that the information presented is accurate, they make no guarantee in this (or any) regard.

*** These slides were produced in connection with a video webinar that premiered on 07/10/2025. Take note, we make the PDF available for free download because the real benefit of a Financial Poise webinar is the conversation that the faculty has around the slide deck. You can access the webinar on-demand at Cerfi's LegalEdge (f/k/a [West Legal Ed Center](#)) (for attorneys or accountants seeking CLE or CPE) or [Financial Poise](#) (for everyone else).

Meet the Faculty

Panelists

[Max Barack](#) – Garfinkel Group, LLC

[Amit Bindra](#) – The Prinz Law Firm, P.C.

[Helen Bloch](#) – Law Offices of Helen Bloch, P.C.

Moderator

[Charles Krugel](#) – Law Offices of Charles Krugel

About This Webinar

It's So Hard To Say Goodbye: Minimizing Risk When Terminating Employees

Firing someone is never pleasant, but it's an inevitable part of business. Whether an employee is being let go due to poor performance or serious misconduct, chances are that they'll take issue with the company's decision—either during the termination or afterward. In the event a terminated employee decides to visit the Equal Employment Opportunity Commission or meet with a plaintiff's attorney, you want to make sure that you have taken steps to minimize risk and give your organization its best chance to defend against claims of discrimination, retaliation or wrongful discharge. This webinar discusses the various issues you should consider not only when you are making the decision to terminate but also in the weeks and months that lead up to that point. Drawing on their experiences as HR consultants and employment lawyers, the panelists provide practical tips to minimize exposure and best practices for conducting an employee termination meeting.

About This Series

Protecting Your Employee Assets: The Life Cycle of the Employment Relationship

- This webinar is part of a series titled “Protecting Your Employee Assets - The Life Cycle Of The Employment Relationship 2025.”
- Many companies' most important assets go home every night. This webinar series covers the legal aspects of the employer-employee relationship from the employer's perspective, from beginning to end.
- No employer, regardless of size, is immune from the reach of federal, state, and local employment laws and regulations. Employers must take a proactive approach to monitoring and auditing their employment practices and policies to ensure that they can better respond to issues before they escalate to third parties like government agencies or plaintiffs' attorneys.
- This webinar series approaches the employer-employee relationship from beginning to end, with programs covering the most important steps along the way, including artificial intelligence, biometric information, hiring and onboarding, policy and procedure development and training, wage and hour compliance, accommodating disabled employees, conducting investigations and considerations associated with ending the employment relationship.

Episodes In This Series

#1: Welcome to the Team! Recruiting & Hiring, Including Restrictive Covenants

Premiere date: 1/23/2025

#2: An Ounce of Prevention: Policies, Procedures and Proactivity

Premiere date: 2/27/2025

#3: Show Them the Money: Wage & Hour Compliance

Premiere date: 3/27/2025

#4: Leaves of Absence & Medical Issues

Premiere date: 5/7/2025

#5: I Know What You Did Last Summer: Workplace Investigations

Premiere date: 6/5/2025

#6: It's So Hard To Say Goodbye: Minimizing Risk When Terminating Employees

Premiere date: 7/20/2025

#7: AI @ Work: Legal Issues Concerning Use of AI in HR

Premiere date: 8/7/2025

Episode #6:

It's So Hard To Say Goodbye: Minimizing Risk When Terminating Employees

Each Financial Poise Webinar is delivered in Plain English, understandable to investors, business owners, & executives without much background in these areas, yet is of primary value to attorneys, accountants, & other seasoned professionals. Each episode brings you into engaging, sometimes humorous, conversations designed to entertain as it teaches. Each episode in the series is designed to be viewed independently of the other episodes so that participants will enhance their knowledge of this area whether they attend one, some, or all episodes.

At-Will Employment

- It's the law in most of the U.S.
- Allows for termination for any lawful reason (good or bad) or no reason at all, at any time, even without prior notice.
- So why does it seem like you can't fire someone at any time, for any or no reason, and without prior notice?

Employment At-Will... With a Twist

- State and federal anti-discrimination laws
- Wrongful discharge based on public policy violations
- Retaliation
- Unemployment Compensation

Lawful Considerations

- Make employment decisions based on **legitimate business reasons**, such as:
 - Performance
 - Insubordination
 - Misconduct
 - Violation of policies
 - Reduction in force

Unlawful Considerations

Do **not** consider “protected classes” when making employment decisions:

- Sex
- Race
- Color
- Religion
- Age
- Disability
- National Origin
- Military or Veteran status
- Sexual Orientation
- Other protected classes (maybe weight or body type)

The Road to Termination

Pre-Termination Checklist

- Key considerations:
 - What are the issues that brought the company to this decision?
 - What's in the employee's personnel file?
 - How has the company handled similar situations?

What are the Issues that Brought the Company to this Decision?

- If rule violation or performance expectations are not met:
 - Employee's awareness of rule or standard
 - Was the employee informed that termination would occur if things did not improve?
 - Is the rule or expectation reasonable (for the company, industry, workforce)?

What's in the Employee's Personal File?

Timely and comprehensible documentation

- Employee's behavior:
 - Objective examples of employee's conduct
 - Impact on business
 - Witness statements

What's in the Employee's Personal File? *(cont'd)*

- Employee's past work and disciplinary record
 - Isolated incident?
 - Prior coaching, agreed upon goals, and follow-up action if goals not met?
 - Any prior progressive discipline?
- **Remember:** In litigation, documented action, timely communicated to the employee, is the most persuasive evidence!

How Has the Company Handled Similar Situations?

- Consistency
 - Were all employees who engaged in similar conduct terminated? If not, why not?
 - Has the Company documented similar conduct by other employees?
- **Watch out for:**
 - Discrepancies

Additional Considerations

To Give or Not to Give... Severance?

- Consider:
 - What is the likelihood the employee will sue?
 - What did the company do in prior similar circumstances?
 - Can the company withstand defending a suit?
 - Can the company afford this?

Possible Separation Benefits

- Traditional severance
- Health insurance costs
- Allow to keep cell phone or other electronics
- Outplacement services

Severance Agreement & Release

- If severance or other benefits are provided, get **waiver and full release of claims!**
- Considerations -
 - OWBPA/ADEA compliance
 - Non-disclosure/non-disparagement
 - No reapplication
 - Right to file EEO charges
 - State and federal legal considerations (laws or proposed legislation)

The Termination Meeting

Effectively Communicate the Termination Decision

- Hold a termination meeting
 - Have **two company** representatives present (one to take notes)
 - Decide what each person says
 - Carefully select time and place for the meeting
 - Be considerate and patient
 - Private place for communication
 - Best day/time for termination

Effectively Communicate the Termination Decision *(cont'd)*

- Tell the employee the **real** reason for the termination
 - No sugarcoating, unless real fear for security
 - Can we call it “position elimination?”
 - Avoid inflammatory language
 - Be compassionate, but not apologetic

Effectively Communicate the Termination Decision *(cont'd)*

- Do **not**:
 - Drag out the termination announcement
 - Argue or negotiate with the employee
 - Joke
 - Talk too much
 - Compliment to justify the decision
 - Discuss other employees or your transition plan

Effectively Communicate the Termination Decision *(cont'd)*

- Allow the employee an opportunity to respond
- Answer reasonable questions
- Be prepared to address various logistical matters:
 - final paycheck
 - return of company property including intellectual property like passwords/codes (it's best to do before termination)
 - benefits
 - remind of ongoing restrictions
 - cut computer/phone access during the meeting
- Offer to help pack personal belongings
- Carefully document what is said

Now What?

- Inform remaining employees on a need-to-know basis
- Neutral references
- Gather all files, notes and documentation in one secure location

The Bottom Line

- Always remember that:
 - Published policies
 - Consistency
 - Adequate documentation
 - Preparation
 - ✓ Can be key to limiting or avoiding liability!

Questions or Comments?

If you have any questions about this webinar that you did not get to ask during the live premiere, or if you are watching this webinar [On Demand](#), please do not hesitate to email us at info@financialpoise.com with any questions or comments you may have. Please include the name of the webinar in your email & we will do our best to provide a timely response.

IMPORTANT NOTE: The material in this presentation is for general educational purposes only. It has been prepared primarily for attorneys & accountants for use in the pursuit of their continuing legal education & continuing professional education.

*** These slides were produced in connection with a video webinar that premiered on 07/10/25. Take note, we make the PDF available for free download because the real benefit of a Financial Poise webinar is the conversation that the faculty has around the slide deck. You can access the webinar on-demand at Cerfi's LegalEdge (f/k/a [West Legal Ed Center](#)) (for attorneys or accountants seeking CLE or CPE) or [Financial Poise](#) (for everyone else).

About the Faculty

Charles Krugel – cak1@charlesakrugel.com



Charles Krugel is owner of *Charles A. Krugel, Labor & Employment Law on Behalf of Businesses* (www.charlesakrugel.com), and has 25 years of experience in the field. He has been running his own practice for 20 years. His clients are small to medium sized companies in a variety of industries, and he has been lead negotiator for hundreds of labor & employment agreements & contracts.

Additionally, he's litigated dozens of court cases, administrative proceedings & arbitrations. In addition to providing traditional labor & employment law services, he represents companies desiring to institute preventive & proactive HR functions. These functions include policies & procedures, which help to efficiently & discreetly resolve issues in-house & prevent lawsuits & complaints; they also help to reduce costs & act as catalysts for increasing productivity & profits. Moreover, he's frequently the subject labor & employment law related TV, radio & print interviews. [Read More](#)

Max Barack – max@garfinkelgroup.com



Max leads the Garfinkel Group, LLC's employment law practices groups and is a plaintiff-side employment law attorney. He has been practicing law since 2013 and has spent the majority of that time handling plaintiff-side employment matters. He concentrates his practice primarily on representing plaintiffs in their claims of discrimination, as well as wage & hour violations, whistleblower actions, & severance negotiations.

He has extensive litigation experience, with a focus on electronic discovery (ESI). He has represented & assisted employers in defending discrimination & wage & hour disputes, including in department of labor investigations. He is a member of the Board of Directors of the National Employment Lawyers Association of Illinois & co-chair of its Legislative Committee. He is a regular contributor to the Chicago Bar Association's @theBar blog, & is fluent in Spanish. [Read More](#)

J.D., Chicago-Kent College of Law

B.A., University of Michigan

Amit Bindra – abindra@prinz-lawfirm.com



Amit Bindra is a partner with The Prinz Law Firm, P.C. and was an adjunct law professor of appellate writing and oral advocacy at Loyola University Chicago. Amit has completed the Certificate Program in Mediation Skills Training from the Northwestern University School of Professional Studies and serves as co-host of the Employee to Lawyer podcast for NELA Illinois.

Amit has extensive experience advising C-suite executives, physicians, & hedge fund managers on a variety of employment matters, including negotiating employment & separation agreements. He also advises businesses and executives at start-ups, mid-market businesses, Fortune 500 corporations, privately-held companies, and in the cannabis industry to find creative and pragmatic solutions to their legal challenges. Various media outlets have quoted Amit regarding non-compete & other employment law matters.

In addition to providing business counseling and executive career counseling, Amit's work largely focuses on non-compete and non-solicitation agreements, arbitration agreements, trade secret disputes, wage and hour claims, and employment discrimination and whistleblower claims. Amit has also successfully worked on several appeals in Illinois and Indiana. [Read More](#)

Helen Bloch – hbloch@blochpc.com



Helen Bloch is the principal and founder of the Law Offices of Helen Bloch, P.C., a general practice firm that is a Certified Female Business Enterprise. In the employment & business context, Helen represents clients on all sides of the employment relationship – individual employees, managers, or employers.

Routinely Helen negotiates and counsels clients on employment agreements, including non-competition, confidentiality, and severance agreements. Also, she drafts employment handbooks and various policies and procedures. Helen will advise businesses on best practices, including providing sexual harassment training. Helen has lectured on topics such as gender role in the law, legal issues affecting small businesses, and legal rights and obligations from multiple sides of the employer-employee relationship.

Helen has been selected for inclusion in Super Lawyers in the area of employment law every year since 2019. Helen belongs to several civic and professional organizations. She is a past President of the Decalogue Society of Lawyers, which awarded her the Presidential Citation in 2015 and the Intra Society Award of Merit in 2001. She serves on the Alliance of Bar Associations, where she assists in screening judicial candidates. Her other bar association memberships include the Illinois chapter of the National Employment Lawyers Association, Women's Bar Association of Illinois and the Illinois State Bar Association. An active National Association of Women Business Owner's (NAWBO) member, Helen leads NAWBO's Lincoln Park Business Exchange Group. [Read More](#)

Thank you to our co-producer

THE NATIONAL LAW REVIEW

The National Law Review (NLR) is a premier legal news website offering in-depth analysis on a wide range of legal and business topics. Established in 1888, NLR has evolved into a **trusted resource** for legal professionals, business leaders, and the general public, providing timely and relevant information on legislative changes, court decisions, and regulatory developments

Visit *The National Law Review* to learn more
- <https://natlawreview.com/>

Comprehensive Coverage: NLR covers nearly every legal topic, including litigation, AI & the Law, employment law, IP Law, real estate, energy, health care, bankruptcy and much more.

Expert Analysis: Articles are authored by experienced attorneys and legal professionals, ensuring accurate and insightful commentary.

Daily Updates: NLR provides hourly legal news updates, keeping readers informed about the latest developments in the legal world.

About Financial Poise



The primary mission of Financial Poise™ is to provide reliable plain English business, financial, & legal education to individual investors, entrepreneurs, business owners, & executives, & to help trusted advisors do the same.

*Newsletter subscribers are occasionally offered free webinars. Subscribers never receive more than one email per week & their information is never shared.

Sign up for our free weekly e-newsletter [here](#)*.

Learn how to write or speak for Financial Poise [here](#).
The antithesis of “pay-to-play.”

Check out our other webinars [here](#).

Send any other inquiry to info@financialpoise.com