

# Popular Threads on Solosez

## Firing My Assistant

I had to dismiss my secretary today. I recently discovered that she did something unethical that could potentially affect my practice in a very negative way. When confronted she tried to explain and justify but I was not satisfied at all.

This is the last straw in a list of things that made me want to get rid of her from time to time.

Since this time the issue could affect my livelihood, I had no choice but to terminate her.

She has been with me for 3 years and has a lot of good qualities that made it very hard for me to take this action.

She was my only employee and I was never an employer before.

Other than the obvious such as notifying WC insurance and changing passwords, is there anything else I should do?

Any measures that I can take to diminish the possibility of her suing me?

I feel a little sad right now.

Thanks for your response,

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Look around her work station - drawers, etc - for any work that needs to be followed up, any filing that was shoved in a drawer instead. Spot check for deadlines that needed to be calendared. Spot check files for uncompleted tasks. Cancel access to any credit cards. Report her termination to the alarm company and change codes if necessary.

I know you are sad right now but you'll feel better after you realize that she can no longer jeopardize your livelihood. Trust me, I am on my 4th - since Oct 2007. It gets easier. Everytime I fire one, I find a better one and then I look back and think that I wasted my time trying to make things work.

Cecilia P. Ventimiglia, Nevada

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I'm not an employment lawyer, but I would think that putting your reasons for termination in writing might go a long way you C'ing your A.

Gina Madsen, Nevada

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If appropriate, I would also change the locks.

Laura McFarland-Taylor, Illinois

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I recently ran ads in Craigslist for a part time bookkeeper and a part time paralegal. I was amazed at the available talent. Within 20 minutes of posting the bookkeeper ad, I had several responses. For the part time paralegal ad, I even received resumes from a half dozen attorneys (!).

There are many people out there who are hardworking, talented, and can help fill your newly opened assistant role. While it may be sad to have to terminate your assistant, there are many talented people who should be able to fill her shoes.

Russ Krajec, Colorado

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NO!! I AM an employment lawyer, and I advise my clients to live and die by this maxim when it comes to termination: unless you are required by statute to do so, do NOT put anything regarding the termination in a writing that you give to the soon-to-be-departed employee! First of all, even though (and perhaps even because) you're a lawyer, you are likely to "soften the blow," which will be used against you if the employee later sues you. OR, you are to-the-point, "You are fired because you stole \$20 million from my petty cash fund," and THAT is used against you when the employee proves that s/he did not steal \$20 million.

Now, what I do recommend is, (1) try to have someone else present when you do the deed, for a whole host of reasons, and (2) once the employee has left, write a memo to the FILE detailing who said what to whom. You might even want to pretend that I'm your lawyer and advised you to do this and therefore type "Attorney-Client Privileged" or "Attorney Work Product" at the top, so your real lawyer can later choose to disclose or not disclose the memo, depending on a whole host of reasons.

Feeling crotchety, but standing by my response,

Kathleen Dillon Hunt

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What did she do, the suspense is killing me!

Michael A. Blake, Connecticut

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If I had to fire my assistant, I'd need an employment attorney AND a divorce attorney. And my business would fall through the floor. Maybe I should be thinking about giving a raise...

Joshua Daley Paulin, Massachusetts

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Working WITH your spouse.No comment.

Michael A. Blake, Connecticut

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I \*am\* an employment lawyer, and I disagree with one or two comments above.

A termination letter is not required, but is not a bad idea. I suggest that you do not challenge her unemployment as this is what frequently 'drives' former employees into the arms of a lawyer (and many more lawyers are practicing employment law than are actually real employment lawyers.)

It is \*not\* necessary for you to state the reasons for the termination in any such letter, and you may not want to do so because there may be other things you discover which would have justified the termination. 'After acquired' information is a defense to most employment practices claims.

If you are going to rehire anyway, there is no reason to terminate your workers compensation coverage. The premium is based upon payroll, and while you are 'in between' assistants you will have no payroll for rating purposes. The termination does not have any effect upon any other insurance coverage you may have.

From a security standpoint, make sure that all passwords and locks to which s/he had access are changed. (The prior advice on this thread is good).

Harold M. Goldner, Pennsylvania

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Survey the files on her hard drive and flashdrive her personal files and mail them certified back to her. Some will say to simply erase them, but that may provide grounds for an argument for a bad faith termination.

Forward her email to you. Tell your clients, so she cannot call them and say she is calling on your behalf... I would do this last item on a telephone call. Find a reason to call each and every one, and briefly mention that she is no longer employed with you "since Janice left you may find I take a bit longer to return calls for a week or so until I get back up to overdrive." Or something like that.

Arthur B. Macomber, Idaho