**Exit Interviews - Notice of Discharge**

1. "Pink slip" or work separation notice - optional in most states - not required in Texas (however, giving at least a simple work separation notice can help prevent ex-employees from filing wage claims based upon "work" they allegedly did after your company thought they were gone - see comment 5 under "Work Separations - General" for details).
2. Most states, including Texas, do not require an employer to give an explanation of the reason or reasons for discharge, and an employee is not required to give an explanation for a resignation - if given, make the explanation brief and to the point - the "pink slip" is not the time to make an example of someone or to "rub it in" - in general, the shorter the explanation is, the better.
3. In Texas, an employer does not have to give a departing employee a termination notice or letter, or a letter of recommendation, based on a 1914 Texas Supreme Court ruling in the case of *St. Louis Southwestern Railway Co. of Texas v. Griffin*, 171 S.W. 703 (Tex.1914). That holding ruled that a 1907 statute (article 5196, § 3, V.T.C.S.) requiring an employer to give an employee a termination letter within ten days of a former employee's request violated Article I, section 8 of the Texas Constitution. The Court held that the constitutional right to speak includes the right to not speak about a former employee. The Court's decision was discussed in detail in [Attorney General Opinion No. JM-623](https://www.oag.state.tx.us/opinions/opinions/47mattox/op/1987/htm/jm0623.htm), January 20, 1987.
4. Under [Section 52.031(d)](http://www.statutes.legis.state.tx.us/Docs/LA/htm/LA.52.htm#52.031) of the Texas Labor Code, a truthful written notice of discharge cannot be the basis for a defamation lawsuit - as noted above, an employer should write down only the bare minimum needed.
5. Above all, avoid inflammatory language or anything you cannot document - certain terms sound inherently defamatory, such as "thief", "stealing", or "drug abuse" - use non-inflammatory descriptive terms that can be documented, such as "failure to properly account for items entrusted to his care", or "violated drug-free workplace policy by testing positive for [whatever]".
6. The same goes for any oral explanations of the reasons for discharge - remember, an employee may be tape-recording the conversation - it is usually best to let one specific person in the organization carry out all terminations in order to minimize the risk that individual hard feelings might inadvertently result in statements that end up sounding defamatory in court.
7. Supply a space for the employee's statement - an employee will often give an honest statement that can help the employer defend against an employment claim in the future.