**Termination Checklist**

1. was there a specific incident close in time to the discharge?
2. can the employer show that the employee violated a known policy or law?
3. are [witnesses](http://www.twc.state.tx.us/news/efte/ui_law_the_claim_and_appeal_process.html#evidence) available?
4. does the employer have [documentation](http://www.twc.state.tx.us/news/efte/ui_law_the_claim_and_appeal_process.html#evidence) to support its reasons for termination?
5. did the employee progress all the way through the [disciplinary system](http://www.twc.state.tx.us/news/efte/discipline.html)?
6. was the employee confronted with the problem and given a chance to explain?
7. discrimination issues:
   1. does the employee belong to a protected minority?
   2. was the treatment given to the employee different from that given to non-minorities?
   3. was the treatment given to the employee different from that given to other workers in general?
8. was the employee involved in a protected activity?
   1. involvement in a claim over wages, [workers' compensation](http://www.twc.state.tx.us/news/efte/workers_compensation.html), or discrimination?
   2. [jury](http://www.twc.state.tx.us/news/efte/jury_duty.html) or [military duty](http://www.twc.state.tx.us/news/efte/legal_issues_for_military_leave.html)?
   3. [voting](http://www.twc.state.tx.us/news/efte/voting_time_off.html)? (For a listing of state laws regarding paid or unpaid time off for voting, see the NFIB Web site at <http://www.nfib.com/tabid/56/Default.aspx?cmsid=31407&v=1>.)
   4. refusal to commit an illegal act?
   5. inquiring about the legality of an instruction from the employer?
   6. "whistleblowing"?
9. In the case of a simple layoff, is the company using neutral, business-related criteria, not related to any minority characteristics, to evaluate the affected department and select those who will be laid off?
10. Depending upon the answers to these questions, the employer may need to seek legal advice prior to taking any adverse job action against the affected employee.