

Building case for firing employee is OK—If it's legitimate

By all means, supervisors and managers should build a strong case for discharging a poorly performing employee before issuing a pink slip. However, they must make sure their motivations for compiling a record of poor performance are legitimate—not just fishing expeditions designed to look for excuses to fire.

That's why performance evaluations should provide specific feedback and objective expectations. Managers should build their cases focusing on those factors. Otherwise, it may look as though the organization is trying to throw the book at the employee for some reason other than poor performance.

Recent case: Rayfield Snowden, a black municipal manager, complained that another employee had used a racial slur in the workplace. Shortly after, the city demoted Snowden. He felt this was retaliation for complaining, and he sued.

Snowden said there was evidence his supervisors and the city's mayor wanted him removed from his position. But his employer asserted that it demoted Snowden for poor communications with his subordinates and for failing to appropriately manage his work.

The 11th Circuit Court of Appeals dismissed the case. It said that it didn't matter that management wanted Snowden demoted—because it demonstrated it had been concerned all along about Snowden's performance, his ability to communicate and his management skills. Those were legitimate reasons, and building a case against him to support the conclusion he was performing poorly was perfectly legitimate under the circumstances. (*Snowden v. City of Daphne*, No. 07-15023, 11th Cir., 2008)