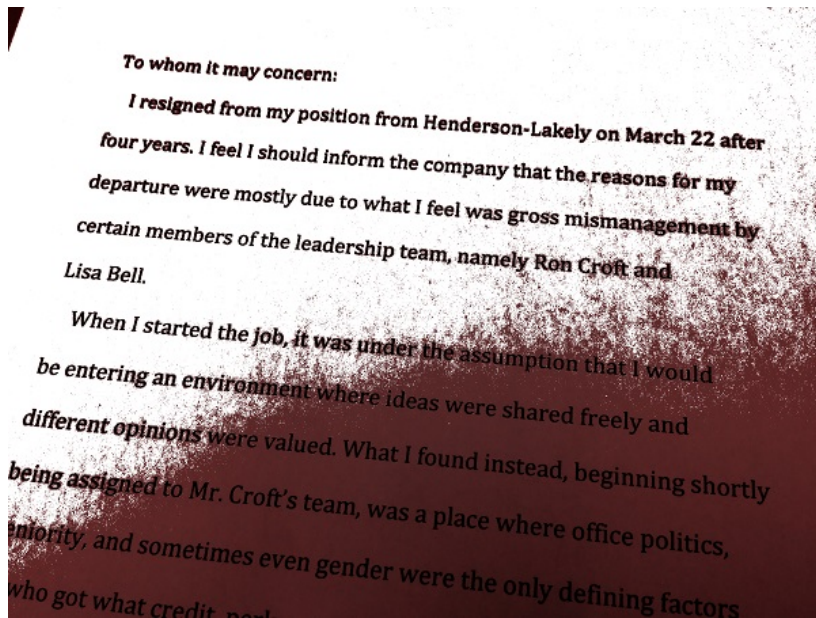


How to legally deal with an employee's post-termination 'vent letter'



When you terminated Kevin last week for poor performance, you got no real complaints from him or drama on his way out. But now you receive an email from him railing against the company and making accusations.

These "vent letters" are becoming more prevalent in the modern workplace.

Here are some tips to help deal with this new trend, from attorney Adam Bartrom of Barnes & Thornburg:

- 1. Treat vent letters like complaints raised in an exit interview.** Take them seriously. While the letter may simply be a vehicle for terminated employees to get some things off of their chest, some may have helpful insights or suggestions.
- 2. Identify and respond to legal risks.** There is a distinction in the law about run-of-the-mill complaints (e.g., *Steve plays his music too loud; my boss has unreasonable expectations*) and complaints that trigger legal concerns, such as those alleging sexual harassment, race discrimination or unlawful retaliation. The latter should trigger an HR investigation.
- 3. Put the letters in personnel files.** However, before one gets filed away, it needs to be analyzed as to whether or not the complaint alleges subject matter that triggers a legal obligation to investigate further. This liability risk is another reason to make sure your managers forward all such vent letters to HR.
- 4. Handle these letters in harmony with PR strategy.** For example, if it is the company's usual practice to respond to comments on its social media platforms, on Glassdoor.com, etc., then a short and polite response may be appropriate.

You can reduce the likelihood of such letters by giving employees a chance to clear their minds in an exit interview. For tips on conducting exit interviews, plus 11 sample questions to ask, go to www.theHRSpecialist.com/exit.