

Guidelines & Templates for Performance Management Documentation

A supervisor has the responsibility for providing an employee guidance and every opportunity to improve performance. However, when despite an employee's best efforts, and a performance improvement plan or progressive discipline prove unsuccessful, termination for inability may be the next step in the performance management process. Termination for inability means that the employee was provided the instruction and tools needed for the position and demonstrated sincere effort in performing the job but is unable to perform at a satisfactory level due to a lack of skills in a required area. An employee terminated for inability is eligible for rehire at Emory in another position that better fits her/his skillset.

Sample: Termination Letter - Inability

<<Department Header>>
<<Date>>
<<Employee name>>
<<Employee's office address>>

Dear <<name>>,

After careful consideration, I have decided to terminate your employment with Emory University, effective <<date>>. This has been a difficult decision but a necessary one in the interests of this department's effective operations. You and I have had many meetings to discuss your performance shortcomings and despite your sincere efforts, your performance has not improved. As we discussed in our meeting on <<date>> , failure to meet the expectations of the position could result in termination of employment. We have made every effort to help you learn the duties of your position and improve your performance but feel that this position is simply not a good match for someone with your skillset. Emory University Human Resources Policy, 4.65, *Separations from Employment*, provides a no-fault separation for these reasons,

- The employee lacks the necessary skills and abilities to perform the job
- The employee is not able to perform the essential functions of the job on a regular basis and reasonable further accommodations cannot be made

You will be eligible to apply for other positions at Emory for which you might qualify. **Optional:** You may request a personal leave of absence in 30-day increments up to a total of 90 days while you look for another position at Emory. All requests for continued personal leave should be in writing two weeks prior to the beginning of the leave period. You may use your accrued vacation leave to be paid while on personal leave of absence until it is exhausted. After your accrued leave is exhausted, provided you continue regular employee contributions, the personal leave status will allow you to maintain eligibility in Emory's health care plan at the active employee rate. Contact

<<name, Benefits Specialist, Human Resources, phone number>>, to discuss your benefits options.

As of today, our records indicate you have <<xxx>> accrued, unused vacation <<hours/days>>. Upon termination, you will be paid for any accrued, unused vacation, up to a maximum of 240 hours. *(If the employee has less than six months of service, s/he is not eligible for vacation leave payout.)* Should you transfer to another position within Emory University, accrued, unused vacation, sick leave, and floating holiday leave would transfer.

You may apply for unemployment benefits as provided by State Law. You will receive a Separation Notice from Emory following your termination date. This letter will also serve as a notice for you to provide to the Department of Labor should you decide to apply for unemployment. Unemployment decisions are made by the Department of Labor. You are not eligible for unemployment while in a leave of absence status.

<<Name>>, this has been a difficult decision and I sincerely wish you success in finding another position that will be a better match for you.

Sincerely,
<<supervisor signature>>

By my signature below, I hereby acknowledge that I received a copy of this notice of discipline. My signature does not necessarily indicate agreement with the contents.

<<Employee Name>>

<<Date>>

cc.:

cc:

*Department Head name & title
Name, Divisional Director, Human Resources
Name, Director, Employee Relations, Human Resources
Central Human Resources file*