



Termination Risk Review Worksheet

A pre-termination screen for Texas employers: protected activity, consistency, documentation, authority, and alternatives — before the decision is final.

WHAT THIS HELPS YOU DO

Use this worksheet before any termination is communicated to confirm the decision is documented, consistent, lawful, and made by someone with actual authority — while there is still time to change course.

WHEN TO USE THIS DOCUMENT

- Before communicating any involuntary termination
- When a supervisor says 'we need to fire this person today'
- Before termination of anyone who recently complained, was injured, or took leave
- When the documentation consists mostly of the supervisor's memory
- Before terminating a long-tenured employee with clean reviews

WHAT THIS DOCUMENT HELPS PREVENT

- Retaliation and discrimination claims from terminations that follow protected activity
- Bad termination decisions driven by the loudest supervisor in the room
- Terminations inconsistent with how similar cases were handled
- Documentation that fails under scrutiny because it was written after the decision
- Wrongful termination exposure from promises made in policies, offer letters, or interviews

Faulkner HR Solutions focuses on the system behind the people problem. This tool is designed to help employers slow down the decision, identify the risk, and create proof before the issue becomes a claim, complaint, turnover event, or credibility problem.

BEFORE YOU START: READINESS CHECKLIST

Gather the following before working through this document. Incomplete inputs are one of the most common reasons employer decisions fail under later scrutiny.

Have it	Input	Notes / location
☐	Employee name and role	
☐	Date of incident, request, or separation	



Have it	Input	Notes / location
☐	Supervisor involved	
☐	Policy or handbook section that applies	
☐	Prior documentation on file	
☐	Pay records, if applicable	
☐	Relevant emails, texts, notes, or complaints	
☐	Decision-maker name	
☐	Deadline, if applicable	



TERMINATION RISK REVIEW

Complete every part before the termination is communicated. A 'no' or a blank in any part is a signal to pause, not a formality to skip.

Part 1 — Decision Snapshot

Employee name, role, hire date	
Supervisor recommending termination	
Stated reason for termination (one sentence)	
Trigger event and date	
Proposed termination date	

Part 2 — Protected Activity Screen

Mark every item that is true. Any mark here does not automatically stop the termination — it means the timing and evidence need review before you proceed.

True?	In the last 12 months, the employee has...	Date / details
☐	Complained about harassment, discrimination, or retaliation	
☐	Raised pay, overtime, or wage concerns	
☐	Reported a safety issue or filed a workers' comp claim	
☐	Requested or taken FMLA, disability, pregnancy, or religious accommodation	
☐	Participated in an investigation, hearing, or agency complaint	
☐	Disclosed pregnancy, a medical condition, or military service obligations	

Part 3 — Consistency Check

List employees who committed similar violations or had similar performance in the last 2-3 years and what happened to them. Different outcomes need a documented, legitimate distinction.

Comparable employee / role	Similar issue	Outcome	Legitimate distinction, if outcomes differ

**Part 4 — Documentation Review**

On file	Documentation item	Location / gaps
☐	Policy or expectation the employee violated, in writing	
☐	Evidence the employee knew the policy or expectation	
☐	Prior warnings or coaching records, with dates	
☐	Contemporaneous record of the final incident	
☐	Witness statements, if the facts are disputed	
☐	Performance reviews consistent with the termination reason	

Part 5 — Alternatives Considered

Considered	Alternative	Why rejected / selected
☐	Final written warning with specific expectations	
☐	Performance improvement plan with a defined window	
☐	Reassignment, schedule change, or demotion	
☐	Suspension pending investigation	
☐	Coaching with a documented follow-up date	

Part 6 — Decision Authority and Final Approval

Person with authority to approve this termination	
Has that person reviewed this worksheet? (date)	
Final pay reviewed through the Texas Final Pay Decision Packet? (date)	
Termination meeting: who attends, when, where	

Role	Name / signature	Date
Supervisor		
HR review		



Role	Name / signature	Date
Approved by (decision authority)		

STOP AND REVIEW BEFORE ACTING

If any statement below is true, pause. Get the decision reviewed by HR, counsel, or Faulkner HR Solutions before you act.

- ☐ The employee recently complained about pay, harassment, discrimination, safety, leave, or retaliation.
- ☐ The supervisor has no prior documentation.
- ☐ The decision is inconsistent with how similar cases were handled.
- ☐ The employee is on, or recently requested, protected leave.
- ☐ The issue involves pay, deductions, final wages, medical information, disability, pregnancy, injury, or protected activity.
- ☐ The decision will be visible to a board, council, funder, auditor, plaintiff attorney, or agency.

MINIMUM DOCUMENTATION STANDARD

Before this file is closed, the employer should be able to answer every question below and point to where the proof lives.

Question	Your answer / where the proof is stored
What happened?	
When did it happen?	
Who observed or reported it?	
What policy, standard, deadline, or expectation applies?	
What decision was made?	
Who had authority to make the decision?	
What alternatives were considered?	
What risk was reviewed?	
What follow-up is required?	
Where is the proof stored?	

COMMON MISTAKES

1. Treating at-will employment as a substitute for documentation.



2. Letting the loudest supervisor define the facts without checking the file.
3. Documenting the conclusion ('insubordinate,' 'bad attitude') instead of the behavior and its impact.
4. Skipping the consistency check and creating your own comparator problem.
5. Announcing the termination before anyone with actual authority approved it.
6. Writing the termination memo after the decision to justify it, instead of reviewing evidence before deciding.
7. Ignoring the calendar — terminating days after a complaint, injury, or leave request without addressing the timing.

WHAT TO DO NEXT

If every part is complete and no risk flag applies, schedule the termination meeting, prepare the final pay packet, and script the conversation. If any part is blank or any flag applies, pause and get the decision reviewed — the cost of a one-week delay is nothing next to the cost of a claim.

Before you terminate, deduct, discipline, classify, or respond, get the decision reviewed.

Call 210.446.8730 or email thomas@faulknerhrsolutions.info.



Before you process payroll, terminate, classify, deduct, or respond to a claim, get the decision reviewed.

Need help applying this to a real workplace decision?

Faulkner HR Solutions helps Texas employers, nonprofits, municipalities, and growing businesses fix the people systems behind recurring workplace problems.

If this document raised a risk flag, do not guess your way through the next step.

Call: 210.446.8730

Email: thomas@faulknerhrsolutions.info

Website: faulknerhrsolutions.info

DISCLAIMER

This resource is provided for general employer education and planning purposes. It is not legal advice and does not create an attorney-client relationship. Employment laws, agency guidance, and local requirements may change. Employers should review the facts of each situation before acting and consult appropriate HR or legal counsel when needed.