

What Every Dentist Should Know About the Termination of Employees

Many dentists do more than practice dentistry: they own, run, and manage a business. Unfortunately, employee termination is often a necessary part of running a successful practice. Recent statistics show that the federal government collected \$350,000,000.00 in fines in one calendar year for employment law violations and that the average settlement payment to a disgruntled employee in a wrongful termination suit was \$25,000.00.

Dentists should familiarize themselves with the applicable laws and consult an attorney prior to any employee termination. This will reduce exposure to time consuming and costly litigation and allow dentists to continue doing what they do best: the practice of dentistry.

Generally, employees without an employment contract are considered at will. Employees at will can be fired by an employer at any time, for any reason or for no reason at all with no resulting liability. Conversely, these "at will" employees are free to end their employment at any time and for any reason.

To prevent subjecting yourself and your dental practice to litigation regarding an employee termination, it is crucial that employers accurately and objectively document each employees performance issue that arises in the course of the employment. Employers should keep a personnel file on every employee and maintain documents concerning employee issues, problems, and discipline.

The failure to properly document employee issues, problems, and discipline may subject the owner of a dental practice to unexpected liability.