

Ten Tips: How to Fire the Caregiver

Your senior caregiver will not be with you forever. Letting a caregiver go, no matter what the reasons are, can be an uncomfortable experience for both the family and the caregiver.

Below are some tips and best practices that will help ensure a smooth transition when letting a senior caregiver go.

1. Be compassionate

The golden rule is in full force here. So long as the caregiver is not being fired for willful disregard for the work agreement (absenteeism, neglect, failure to follow household rules), consider that this news is going to come as a blow to the caregiver. It is best to break the news at the end of a work day and away from the care recipient.

2. Don't draw out the conversation

Short and simple are the best way to deliver the news. A caregiver may react emotionally - tears, harsh words, or stunned shock. Don't let yourself become engaged. Use "I" statements ("I am convinced we cannot make this work.") instead of "You" statements ("You caused this to happen because you [fill in the blank].") If the parting is amicable, assure her of the actions you are willing to take – for example offer to provide a reference. If unpleasant, don't rehash the offenses.

3. Notice

If you have a written work agreement, you will most likely have a notice provision already agreed to. Adhere to it. If you require x weeks of notice from the caregiver, be sure you return the courtesy, or provide pay in lieu of the notice.

Sometimes the caregiver is being fired for gross negligence or willful disregard for the terms/conditions of employment. In these cases, you have to use your best judgment (try not to be overly emotional) and AT A MINIMUM provide pay at the time of dismissal for all work performed to date. NEVER fail to pay the caregiver, no matter how horrible, for the work performed. You could open your family to a world of trouble with your state's Wage and Hour Board should the caregiver (who probably doesn't like YOU too much at this time either) file a dispute for unpaid wages.

4. Severance

This is truly decided on an individual case basis. The separation may be precipitated by a sudden event – a health crisis that forces the senior into a more skilled care arrangement or even the death of the senior. Severance in these circumstances recognizes faithful service and the disruption to the caregiver's circumstance.

Often a separation is planned in advance – the senior may be moving to be with a family member or may be moving into an assisted living situation where supportive care is already in place. A family may consider offering severance - perhaps 2 weeks pay - IF the caregiver stays with the family until the actual move. This type of severance is also known as a retention bonus. The retention bonus helps insure the family against dealing with the caregiver leaving prematurely. Your caregiver, naturally, is most concerned with her own continuity of income.

Firing a caregiver can be an uncomfortable experience for both the family and the caregiver. For many employers, this is the first time they have EVER had to fire ANYONE.

Remember to follow the golden rule, and don't have this important conversation in anger, with steam coming out of your ears, if at all possible.

Kathleen Webb
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5. Letter of Recommendation

When you are separating on amicable terms, please consider writing a letter of recommendation, and making yourself reasonably available for telephoned reference checks.

6. Documentation

When your caregiver is in violation of your work agreement and it DOES NOT endanger the care recipient, providing the caregiver a written warning that documents the behavior, restates the work agreement, and advises that future offenses may result in termination can protect you from unemployment claims that adversely impact your future tax rate. Make sure you have two copies; caregiver signs one and gives it back to you. Keep daily time records (you should anyway for myriad reasons) so you can demonstrate, if needed, the dates and nature of the problem. If the caregiver's offense endangers the care recipient - forget the paperwork and let her go immediately. Write down as many specifics that day as possible so you have a contemporaneous record to back up your protest of an unemployment compensation claim.

7. Taxes

Your caregiver may be eligible for unemployment compensation from your state fund. **This is true even if you were not properly reporting her wages to the state!** Presuming you have your employment taxes in order, your responsibility is to respond to the state's inquiry about the terms of dismissal in a timely basis. Failure to respond on time will result in a ruling on the caregiver's behalf. If the caregiver is awarded benefits, the charges are applied to your account in much the same way an at-fault auto accident is applied to your auto insurance. The total amount of the benefits paid will be part of your tax rate calculation in future years - you have no out-of-pocket obligation.

But what if you were paying under the table? If you did not report/pay your unemployment taxes, you will be subject to administrative action, including reporting to the IRS, and may be charged with the entirety of the caregiver's unemployment benefits. Unemployment insurance (tax) for a full-time caregiver averages \$300- 400 a year - when paid on time. A caregiver's benefits may be \$300 - 500 per week for up to 99 weeks. That could mean \$30,000 - \$45,000 directly charged to you for failure to pay the requisite employment taxes.

8. Security & Family Property

Request that the caregiver at the time of separation return all house and car keys, as well as any remote devices. Consider changing the alarm or garage door codes if the separation is not amicable. Notify medical personnel that the caregiver is no longer authorized for pickups, etc. If the caregiver had a family credit card for groceries and the like, cancel that card too.

IMPORTANT: You may not legally withhold the caregiver's final paycheck in exchange for your family's personal property UNLESS this provision was written into your formal work agreement, with signatures of both parties.

9. Final Payment

Many states regulate the timing of final payments to discharged employees. Know your state's requirements!

10. The Care Recipient

Never have this conversation in front of the care recipient. Emotions run high – don't expose them to the conversation.

Other Resources:

- ▶ [Tips: Privately Hiring Senior Caregivers](#)
- ▶ [Tips: Common Eldercare Hiring Mistakes](#)

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