

Terminating A Caregiver



A caregiving relationship, like most relationships, is successful when the parties involved have open, respectful and trust-based communication. Setting clear expectations from the beginning with a clear job description and a written work agreement are key to good communication. We also recommend setting up regular check-ins with the caregiver to assess how the work is going, answer any questions that have come up or resolve any differences.

If the relationship breaks down and you are considering terminating your caregiver, keep in mind the following:

- Check your employment contract.
 - ✓ Did you promise the worker a specified length of employment?
 - ✓ Did you include at-will employment language?

Generally, in California, an employer or employee is free to end the working relationship without any notice, at any time, for no reason with a few exceptions. You cannot fire your employee as punishment for complaining about wages, safety issues or other legal rights. You cannot fire your employee because of their race, national origin, gender, religion, sexual orientation, age and immigration status.

If you make the hard decision to let go of your caregiver, here is what you must do:

1. Notify the worker in writing of the termination	<p>The law requires that employees be given a written notice of the termination. The notice must include: 1) Your name; (2) the name of the employee; (3) the social security number of the employee; (4) that the employee is being terminated; and (5) the date of the action. You do not need to write the reasons for the termination.</p> <p>For a sample notice form: SAMPLE NOTICE TO EMPLOYEE AS TO CHANGE IN RELATIONSHIP (ca.gov)</p>
2. Provide all owed wages at the time of the termination	<p>The law requires that the employee receive all of their wages at the time of termination. You must provide the final paycheck at that time, with all owed wages. If you provide vacation pay, all unused, earned vacation must be paid out. You do not need to pay out any unused sick pay.</p>
3. Notices	<p>You must provide the employee with an unemployment benefits pamphlet at the time of termination. See: For Your Benefit: California's Programs for the Unemployed (D E 2320 Rev. 65 (12-20))</p> <p>If you provide health insurance to your worker, you must provide information about their Cal-COBRA continuing rights.</p>