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Wrongful Termination Evidence Checklist

Most employment is at will, but firing someone for a discriminatory or retaliatory reason, or in violation of a contract, can be illegal. Evidence decides these cases.

Name: _____ Date: _____ Case/claim no.: _____

Employment documents

- [ ] Offer letter, employment contract and any commission or bonus plan
- [ ] Employee handbook and written policies
- [ ] Performance reviews, awards and raises
- [ ] Pay stubs and records of hours worked
- [ ] Termination letter or notes of what you were told and by whom

Your timeline

- [ ] Hire date and positions held
- [ ] Dates you complained, requested leave or accommodation, or reported a problem
- [ ] Dates of any change in treatment after that
- [ ] Date and stated reason for the firing
- [ ] Names of witnesses and of employees treated differently

Communications

- [ ] Emails, texts and messages you are lawfully allowed to keep
- [ ] Written complaints to HR and any responses
- [ ] Notes of meetings, made at the time
- [ ] Do not take confidential company data you are not authorized to have

After the firing

- [ ] Request your final paycheck and check it against your state's deadline
- [ ] Apply for unemployment benefits
- [ ] Review COBRA or other health coverage options
- [ ] Do not sign a severance agreement before reading it carefully; it may waive claims
- [ ] Note the EEOC or state agency filing deadline

Tips

- Keep looking for work and record your job search; it matters for damages.
- Stay professional in all communications with your former employer.

Official resources

EEOC: How to file a charge of employment discrimination
https://www.eeoc.gov/how-file-charge-employment-discrimination

EEOC: Time limits for filing a charge
https://www.eeoc.gov/time-limits-filing-charge

EEOC: Retaliation
https://www.eeoc.gov/retaliation

U.S. Department of Labor: How to file a complaint
https://www.dol.gov/agencies/whd/contact/complaints

U.S. Department of Labor: Unemployment insurance
https://www.dol.gov/general/topic/unemployment-insurance

U.S. Department of Labor: COBRA continuation coverage
https://www.dol.gov/general/topic/health-plans/cobra

Notes