

Employment Closure: Communicating and Processing Terminations of Employment

**Oak Brook, Illinois
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Benefits for You:

Employees leave companies on a daily basis, yet many employers frequently do themselves and the departing employee a disservice by not fully preparing for the separation from employment. This course provides practical steps and checklists that should become part of every employer's routine approach to the stressful and oftentimes difficult situation surrounding employee departures. Through the use of case studies we will discuss "best practice" approaches to communicating, processing and completing employment terminations in light of the multitude of laws and regulations that impact employment terminations.

Critical Issues on the Agenda

I. Types of Terminations

- Quit
- Layoff – Reductions in Force
- Firing
- Disability and Death

II. Preparation

- Confirming that termination is the right decision
- Assembling information
- Assembling people
- Planning communications
- Planning logistics
- Checklists

III. Communicating the Termination . . .

. . . with the Employee

- Terminations for Cause
- Layoffs and reductions in force
- Termination due to disability and death

. . . with the rest of the workforce

- What do you tell the employee's co-workers?

. . . with prospective new employers

- What type of reference should you give?

. . . with the Government

- How do you react to an application for unemployment compensation

IV. Applicable Employment Laws

- The WARN Act
- Family and Medical Leave Act
- Americans with Disabilities Act
- COBRA
- Illinois Continuation of Group Health Insurance Benefits
- HIPAA
- USERRA
- Internal Revenue Code – taxation of post-termination payments
- Internal Revenue Code – Cafeteria Plans
- Internal Revenue Code – Qualified retirement Plans

V. Employee Benefits upon Termination

- Health Benefits
 - COBRA Continuation
 - Rights
 - Notices
 - Best COBRA practices
- HIPAA Certifications of Creditable Coverage
- Section 125 Plan Rules
- Implications of employer subsidies to post-employment coverage
- Retirement Benefits
 - Required Plan communications
 - Working with the Plan Administrator
- Life Insurance termination and conversion
- Termination of other coverages
- Disability Insurance Claims
- Workers Compensation Claims

VI. Logistics and the Art of the Ushering the Employee out the Door

- Exit interview
- Cleaning out the desk
- Preventing the creation of disgruntled former employees
- The possibility of volatile reactions
- Temporary Restraining Orders and the possibility of violence
- Dealing with the Media
- Dealing with disparagement of the Employer
- Former Employees in violation of non-compete agreements

VII. Possible Post-employment Litigation

- Unemployment Compensation Claims
- Workers Compensation Claims
- Title VII Discrimination Claims
- ERISA Discrimination
- ADA and HIPAA Discrimination based on Health Status
- Union grievances over terminations
- Alleged violation of Employment Contracts