

Separation of Employment: Risk Assessment Workflow

- Separation Scenarios – Why
 - Voluntary Separation – employee initiated
 - Resignation
 - Retirement
 - Contract completion/expiry
 - Abandonment – threshold days, preservation, risk assessment
 - Involuntary Separation – employer initiated
 - For Cause
 - Progressive discipline – performance, rule violations, contract breach
 - Unlawful, immoral, harassment, discrimination
 - Law enforcement notification and coordination
 - Without Cause
 - Layoff, furlough, M&A
 - Work related injury/accident
- Policy Review – What should happen
 - Overview -
 - Authority – Who makes the involuntary separation decision?
 - Approval – Who must approve that decision?
 - Employee rank tiering with authority/approval levels
 - Notifications – Who, when and what must be communicated?
 - Employee notice
 - Management chain
 - Contractor company notice
 - Cross department notification
 - Departmental/company notification – what/when co-workers are informed of separation
 - Exit Interviews –
 - Goals, forms, required attendees, data collection, agreements
 - Separation agreements
 - Employee vs. Contractor
 - Obligations – Noncompete, confidentiality, trade secrets, public statements/PR, compensation clauses, PTO time, severance
 - Record Requirements
 - Equal Employment Opportunity Commission (EEOC), Age Discrimination in Employment Act (ADEA), Fair Labor Standards Act (FLSA)
 - Classification/expiry of abandoned data
 - Transition
 - Access rights
 - Company property
 - Personal property
 - BYOD
 - Segregation/return/expiry of employee medical, compensation and PII containing documents
 - GDPR/privacy country considerations

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- Job records, data, communications, tools to manager or replacement
- Expense reimbursement
- Benefits – retirement, tuition/relocation reimbursement, medical/COBRA options, FSA/HSA
- Compliance monitoring –
 - Security/MIS – endpoint blocking, firewall rules, outbound email with attachments, business decisions
 - Retroactive audit for voluntary separations – has employee transferred company data for their new employer?
 - Post separation review – improve process
- HR
- MIS
- Legal
- Security
- Procedure Review – How separation should happen
 - Supervisor
 - HR
 - MIS
 - Legal
 - Security
- Documentation – How separation should be tracked
 - Central HR management system
 - Employee status and history
 - Separation repository – secured central online
 - Communications
 - Notifications – resignation/termination letter
 - Disciplinary records
 - Exit interview – notes, audio, video, collected property