
KHF PRACTICE ADMINISTRATORS MEETING NOTES, Q&A
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GUIDE TO SEPARATING WITH YOUR EMPLOYEE | DISCUSSION

- Concerns About “Wrongful Termination” & Balancing The Risk Of A Poor Situation
- Vocabulary: *At-will, Constructive Discharge, Layoff...*
- **“When Is It The Right Time?” & “What Is The Right Reason?”**
- *Day-Of* Checklist
 - Wages & Compensation (PTO, Bonuses, etc.)
 - Severance-Separation Agreements
 - Return Of Property & Deductions
- State Unemployment Claims Insurance
- Setting The Narrative & Culture



FOR ALL PEOPLE: **INDIFFERENCE IS THE GREATEST INSULT.**

- 70% of all customer dissatisfaction is rooted in perceived indifference.
- The biggest source of disagreement is not the *“what”*, but the *“how”* or *“why”*.

(Ref: JD Edwards & Gallup)



WHAT IS REQUIRED OF YOU FOR A SEPARATION?

- Termination Checklist
 - Georgia Separation Notice
 - Employer Letter?
 - Wages Due
 - COBRA / State Continuation

IDENTIFY & ACKNOWLEDGE THE REASON FOR SEPARATION

EMPLOYEE ACTION

- Voluntary Quit
 - New Job
 - Reduction of Hours/Comp
 - Discrimination/Harassment
 - Safety
 - Inability/Conflicts to Work
 - Job Abandonment

EMPLOYER ACTION

- Violation of Policy - Discharge
- Performance
 - Inability or Effort
- Position Elimination
- Lack of Work
 - Short-term or Semi-permanent
- Organizational Fit

Q) *What kind of notice can be required, or is required of the Employee and Employer?*

TROUBLE AT JOE'S HARDWARE



- ❑ *"Two weeks in lieu of notice" [Gardening Leave]*
- ❑ Unemployment Benefits



AVAILABLE DOCUMENTATION

- What documentation does for you:
 1. Demonstrates that the Employer has made the Employee aware of a concern.
 2. Allows the Employee the opportunity to understand the gravity and consequence.
 3. Facilitates the conversations at the point of progressive discipline or termination.

- Questions:
 - *What if I don't have any documentation?*
 - *I thought this was an at-will state?*

MEETING PLAN

Format <ul style="list-style-type: none">• Onsite• Virtual• Email/Letter	Who's In <ul style="list-style-type: none">• Manager• HR• Witness?	Information <ul style="list-style-type: none">• Why• Date• Documents• Process	Reactions <ul style="list-style-type: none">• Rejection• Questions• Terms• Alternative	Ending <ul style="list-style-type: none">• Agenda• Security	Afterlife <ul style="list-style-type: none">• Internal• External
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SEPARATION (SEVERANCE) AGREEMENTS

- Benefit and risk
- Is there an industry standard for severance?
- Severance is not penance!!!



KEY CONSIDERATIONS

PROCESS

- Limiting, ending access to technology?
- How to collect company property, information?
- Employee Wages
 1. Last paycheck issue date
 2. Premium refund
 3. PTO payout
- Benefits Continuation
- Separation Notice and, or Letter
- Notification to the Company, and external parties

COMMON CONCERNS & PITFALLS

- *Can I deduct from their last wages?*
- *They won't return property.*
- ***“Can I withhold their check?”***
- *Can I keep an Employee on payroll after their last day?*
- *Do I need a “release” from the Employee?*

LIFE CYCLE OF AN UNEMPLOYMENT CLAIM



Questions:

- *How much is an unemployment benefit actually worth?*
- *How does an Claimant qualify? How long do they have to file?*
- *Can they waive the right to unemployment benefits?*
- ***Isn't unemployment basically automatic?***
- *2 principles of the Employer burden of proof.*
- *The "resignation trap"!*
- *How will this impact the Company?*



IMPACT ON CULTURE

- Importance of properly communicating about a separated Employee:
 - Be prepared to address Employees' personal concerns.
 - Build credibility and confidence in the organization.
 - How it's done is just as important as what is said!
- Pro Tip: Every new hire AND EXITING EMPLOYEE makes a statement about your culture.



FAQs

- *What if they demand to record the conversation?*
- *What's our policy on verifications of employment, recommendations?*
- *What if the Employee continues to contact people inside the organization?*
- *What if my Employees still talk to a terminated Employee?*
- *Can I terminate a pregnant employee or an employee on FMLA?*



GRIEVANCES: WHERE CAN YOU COMPLAIN?

- ✓ Handbook contains a grievance procedure for any complaint or grievance. You may complain to your supervisor, human resources, or management.
 - This includes complaints of discrimination and harassment.
 - Practice Manager a/o HR Officials

EMPLOYER (PRACTICES) COMPLIANCE RESPONSIBILITIES

AWARENESS OF RIGHTS AND RESPONSIBILITIES

UNDERSTANDING HOW INAPPROPRIATE CONDUCT BECOMES A POLICY VIOLATION AND-OR DISCRIMINATORY

FACT-FIND (INVESTIGATE)

- *CONDITIONAL CONFIDENTIALITY AND, OR NO ACTION*
- *FAILURE OF FORMALITY*

PROACTIVE MEASURE

EVIDENCE OF REMEDY

PREVENT RETALIATION

PREVENTIVE MEDICINE: 4 TYPES OF CONVERSATIONS

