Involuntary Terminations: Remote Employees

Checklist

Ending an employment relationship can be difficult. Involuntarily terminating an employee is not only uncomfortable and emotional, but also logistically complicated and full of legal risks. When that employee works remotely, it can make the termination even more complex. Organizations must complete a great deal of work in a short time frame to offboard a terminated employee. For example, there are many administrative tasks your organization needs to finish before the end of the employee's last day, such as compiling appropriate supporting documentation, finalizing payroll and tax paperwork, retrieving company property, terminating access to systems and files, and drafting separation agreements.

Terminating an employee is never easy, and it can be even more challenging when done virtually. Conducting terminations in person is always preferable, but shifts to remote and hybrid work models can make that unfeasible. An effective offboarding process for remote employees can help ensure your organization complies with relevant laws and regulations and that necessary tasks are completed in an orderly manner. When done successfully, offboarding can protect your organization from potential liabilities.

Overview

The offboarding process for involuntary terminations generally begins when an organization decides to terminate an individual's employment. There are many reasons an organization may decide to involuntarily terminate an employee, including misconduct, performance issues or layoffs. These factors may impact the offboarding process and compliance with applicable laws.

This checklist is intended as a guide, so not all the following steps are necessary to offboard a remote employee. The offboarding process may differ based on your organization's size and other factors; thus, the steps in this list should be modified to meet the unique needs of your organization. Due to the complexities of terminating a remote employee, including the many applicable federal, state and local laws, employers are encouraged to seek legal counsel to discuss and address specific issues and concerns. This checklist can be referenced by a supervisor, manager or HR representative to help ensure key steps are not missed for all involuntarily terminated remote employees.

Before the Separation Meeting

- ☐ Complete — **Discuss the organization's decision to terminate the departing employee with relevant individuals—such as the leadership team and HR—and potentially with legal counsel to ensure the termination is warranted and complies with federal and state laws.**
- ☐ Complete — **Document any performance issues, warnings, policy violations and disciplinary actions pertaining to the departing employee.**
- ☐ Complete — **Notify all relevant individuals—such as the leadership team, HR and IT—that the offboarding process is starting for the departing employee. It's important to schedule a day and time for IT to shut down the employee's online access to tools or programs (e.g., email, server, database and intranet).**
- ☐ Complete — **Ask HR to prepare the departing employee's final paycheck and all necessary paperwork, including the termination letter, nondisclosure and noncompete agreements, explanation of benefits, COBRA notice and unemployment insurance, if applicable.**

Before the Separation Meeting (cont.)

- ☐ Complete — Create and document a transition plan for the departing employee.
- ☐ Complete — If necessary, decide which employees will assume the departing employee's responsibilities.
- ☐ Complete — Create a list of all devices and equipment—including computers, monitors, headsets, credit cards and uniforms—to collect from the departing employee.
- ☐ Complete — Create a list of all systems, software, apps and files the departing employee can access.
- ☐ Complete — Schedule a separation meeting with the departing employee. Allow for a short turnaround between when the invitation is sent and when the meeting begins (e.g., less than an hour) and consider meeting early in the workday (instead of after the employee has worked a full shift). Videoconferencing is preferable for remote terminations since it allows participants to see and understand nonverbal gestures and facial expressions; however, a telephone call is often the next best option. In a virtual setting, it's also important to assign who the primary spokesperson will be and prepare a script.
- ☐ Complete — Ask HR or another qualified individual to conduct a separation meeting with the departing employee and to document what is discussed during the meeting.
- ☐ Complete — Begin recruiting to fill the departing employee's position, if necessary.

During the Separation Meeting

- ☐ Complete — Notify the departing employee of the organization's decision to end their employment and consider explaining the reasons for the termination.
- ☐ Complete — Provide the departing employee with information regarding any final payments, including paychecks, bonuses or severance payments, as well as any other exit documentation, if applicable.
- ☐ Complete — If applicable, review when and how the departing employee's group health benefits will end, and inform the departing employee that COBRA election paperwork has been or will be mailed to them.
- ☐ Complete — Provide the departing employee with information about state unemployment benefits.
- ☐ Complete — Notify the departing employee of any post-employment legal obligations—such as noncompetition and confidentiality agreements—if applicable.
- ☐ Complete — Provide the departing employee with separation, severance, nondisclosure and noncompete agreements, if applicable, or inform the employee when such documents will arrive by mail.

During the Separation Meeting (cont.)

- ☐ Complete — **Notify the departing employee that their access to the organization's systems, software, apps and files will be revoked immediately.**
- ☐ Complete — **Ask the departing employee to return all work-related documents and other information.**
- ☐ Complete — **Request the return of company devices, equipment and passwords from the departing employee, which may be outlined in an employee equipment agreement signed during onboarding. HR can also provide the departing employee with a prepaid shipping label and return instructions.**
- ☐ Complete — **Remove all files and access from the departing employee's devices if they use their personal devices for work.**
- ☐ Complete — **Ensure the departing employee provides their current contact information.**

After the Separation Meeting

- ☐ Complete — **Notify the departing employee's team, the wider organization and clients, if applicable, of the employee's departure and last day.**
- ☐ Complete — **Schedule a meeting with any employees assuming the departing employee's responsibilities to transfer all necessary information and duties.**
- ☐ Complete — **Provide vendors, clients and other employees with an updated point of contact for the departing employee's responsibilities, if applicable.**
- ☐ Complete — **Schedule meetings with the departing employee's vendors, clients and others to transition to the organization's new point of contact, if necessary.**
- ☐ Complete — **Remove the departing employee's access to all systems, software, apps and files. This also includes terminating their VPN and remote desktop access. If a hybrid employee is terminated, revoke the departing employee's access to the organization's premises (e.g., key card, keys and security access codes).**
- ☐ Complete — **Retain and store records in compliance with the organization's retention policies and any legal requirements, including any human resource information system or human capital management profiles, if applicable.**
- ☐ Complete — **Reset all system, software, software, app and file access for the departing employee.**
- ☐ Complete — **Deactivate the departing employee's profiles on all systems, software and apps where appropriate.**

After the Separation Meeting (cont.)

- ☐ Complete — **Forward the departing employee's emails, telephone calls, voicemails and any other communications to other employees assuming the departing employee's responsibilities.**
- ☐ Complete — **Verify the return of company devices and equipment and initiate recovery steps as needed.**
- ☐ Complete — **Monitor for any public comments made by the former employee regarding the termination that could negatively impact the employer's brand.**

Final Steps

- ☐ Complete — **Update the departing employee's contact information.**
- ☐ Complete — **Update all organizational charts.**
- ☐ Complete — **Update the organization's insurance provider of the employee's departure, if applicable.**
- ☐ Complete — **Process the departing employee's final payments in a timely manner.**
- ☐ Complete — **Discuss information gathered from the departing employee's separation meeting with relevant individuals—such as the leadership team, HR, managers, supervisors and legal counsel—and determine any action items.**

An involuntary offboarding process is a necessary practice to improve operational and administrative efficiency to save your organization time and money and reduce potential legal liabilities. In today's hybrid and remote workplaces, a virtual termination requires extra concerns to an already complex situation.

Contact us today for more information about remote employee terminations.

This checklist is merely a guideline. It is neither meant to be exhaustive nor meant to be construed as legal advice. It does not address all potential compliance issues with federal, state or local standards. Consult with your licensed representative or legal counsel to address possible compliance requirements. © 2024 Zywave, Inc. All rights reserved.