



Season 3, Episode 7: “Parting Ways: Mastering the Art of Employee Offboarding, Part 1”

Speakers: Lee Jacobs and Rosemary Enright, Barclay Damon

[Lee Jacobs]: Lee Jacobs: Hello, hello and welcome. Hello in person, Rosemary.

[Rosemary Enright]: I know, look at us. Here we are.

[Lee]: Hello, everyone. Welcome to episode seven of Barclay Damon’s Labor & Employment Podcast. As you know, my name is Lee Jacobs. I’m joined here in person with my colleague...

[Rosemary]: ...Rosemary Enright. I feel like we’re Kelly and Mark.

[Lee]: A little bit.

[Rosemary]: Yeah, a little bit. We’re on our little stools in the studio.

[Lee]: And where are we, Rosemary?

[Rosemary]: We’re in Studio B, also known as Buffalo, New York.

[Lee]: I made the trip up here to visit a client yesterday and ...Rosemary and I felt this was an apt time to sit together and to discuss with all of you employee offboarding, especially since we just came from a three-part episode on employee onboarding. So here we think you know, let’s continue the conversation. Employee offboarding, so welcome to “Parting Ways: Mastering the Art of Employee Offboarding.” And this is probably going to be another multi-parter. So this is for sure part one. So as we always do, I think we need to start with a fun fact. And we didn’t talk about them beforehand. So I’ve got nothing in the bank here. So I’m going to toss it to you first, Rosemary. What’s your fun fact for the day?

[Rosemary]: So my fun fact for the day is that last weekend I did my first “adult Easter egg hunt.”

[Lee]: You told me about this last night. This is a good one. This is a good one for those that don’t know they exist.

[Rosemary]: Yes, that’s right. It was a lot of fun, Lee and I had dinner last night together. So the Saturday before Easter Sunday... there is a winery here in Chautauqua County, 21 Brix. Shout out to 21 Brix, and they do an adult Easter egg hunt, and I loved...ask the question you asked me at dinner.

[Lee]: Was it an “adult” Easter egg hunt? Like was it Easter eggs for adults or was it an adult Easter egg hunt? Which one was it?

[Rosemary]: And the response is it is an Easter egg hunt for adults. So if you celebrate Easter, and you go out and put eggs in the yard and everything, that’s what they did for us. But it was 10,000 eggs, and they were hidden over eight acres. Lee, I told Lee the story. Lee, how long did the hunt take?

[Lee]: Three minutes, four minutes?

[Rosemary]: Yes, four minutes. So, and he said, he asked me how many people were at this hunt? There were 300 of us. So 300 adults in four minutes over eight acres found 10,000 eggs.

[Lee]: What was that reward inside the eggs?

[Rosemary]: So inside the eggs, candy, sadly, I only got candy. And, but they do, they have some great prizes. So weekend, you know, weekends at a bed and breakfast, and cases of wine, bottles of wine, all of that. So I mean, some great gifts, but yeah, but it's done in four minutes. And I was joking with my father. I said, if you need motivation to get yourself back in shape, go to one of those Easter egg hunts. I mean, I ran across the lawn, picked up as many eggs as I could out of the trees and the bushes and went to run and it was already done. I'm like, oh my gosh. But it was a lot of fun and I'm looking forward to doing it next year. So that was that's my fun fact.

[Lee]: So my fun fact is something that after I got back to the hotel last night I opened up my text messages and I had I had 313 messages in a group chat of friends that... I put my phone on silent during dinner last night. 313 messages! So we've known each other for 10–15 years or so and we go every year to Orlando to "Halloween Horror Nights" at Universal Studios, and they just released the schedule and we booked our trip. So we are now a group of 40-something-year-olds are going to be making our trip down on the weekend of September 20th, if anyone wants to join us. To Orlando, Florida, to scream our heads off in haunted houses.

[Rosemary]: Wow.

[Lee]: It's a lot of fun. I have to really, I'd say if you, if someone who wants to like yell and not care and be loud, it's a place to do it. And you can have a lot of fun and a great time doing it.

[Rosemary]: Wow, so you think about it, Lee, those are the two things you just talked about kind of go together. It's adults doing things that you wouldn't normally expect adults to do.

[Lee]: Adults, right. An adult haunted house or an adult haunted house?

[Rosemary]: Exactly, how fun, how fun. All right, well, that's great.

[Lee]: So I think I should join you next year's Easter Egg Hunt, and you should join me the next year's Halloween Haunted House.

[Rosemary]: Alright, that sounds like a date.

[Lee]: Alright, so we get into it here? Yep, offboarding. So many of my clients don't consider offboarding. And what I mean by offboarding is you've made the decision to terminate an employee and let them go, or an employee has determined that they want to leave voluntarily from the position, and it's "what do we do from that point?" Once the business makes the decision to involuntarily let someone go or they get word that someone is voluntarily leaving, what should a business do from that moment on? So many businesses don't do anything. And because of that, they're losing out. So my recommendation is you need to consider it as part of the life cycle, just as onboarding is part of the employee life cycle, so is offboarding. Because if you don't... You run into some risks. And the first risk that I want to bring up is data and integrity and things to that nature. I had a client report to me this week that an employee that they let go had access to his email and he believed that she still had access to his email even though she had been let go weeks prior. What?

[Rosemary]: How does this happen?

[Lee]: You know, so like it needs to be an orchestrated moment. And I've got some from some statistics from a Zippia HR 2024 study that says 71% of organizations have no formal offboarding process. And 76% of IT leaders agree that a lack of an offboarding process poses a significant security threat to a business. Rosemary, have you run into any challenges like this where just... thinking from pure security basis, like am I making sure that my business is protected as my employee is leaving and walking away from the business?

[Rosemary]: Yeah. And you know, I just want to step back for a second. Just as we went through that whole discussion, I think we had three episodes on the onboarding and we said how important it is to have that, you know, the process. And it's for everybody. And this is the same thing. That's why we're calling it the art of offboarding. Everybody just thinks, oh, somebody's gone. We've got their laptop. That's the end of it. But there's so much more to it. And you make that point that you're talking about, with clients who don't think about shutting off someone's access. On a related note, what we've run into is that employees are gone, but now they need information like on their payroll, right? So they're doing taxes or for whatever reason they need that information and the client inadvertently has shut off their ADP. All right, and so now, so in the one case you do want to shut everything down, all right, because we don't want somebody still accessing our systems. But on the other hand, you've got some systems that they still have to have access to, or I shouldn't say a system, but you know, your ADP, they should always have access to that for six years, seven years.

[Lee]: For tax purposes and payroll purposes.

[Rosemary]: Yeah, exactly. It's their payroll records.

[Lee]: And you as the employer, failure to provide them, unfortunately, the buck stops with you. The employer can get into trouble for that. And so the security, right, and the data, you know, in the electronic world, I think it's becoming, in the remote world, it's become a bit more challenging, you know, back in the day. When I first entered the workforce, this is years before college and such, you remember the idea is, someone's getting fired or terminated, they pack up their stuff and they walk out of the office and it's an easy thing. Security's waiting for them, there's a box. Now what do you do? You've got email accounts, you're saying ADP accounts, they have access to the banking information.

[Rosemary]: And they might have a cell phone. They've got a cell phone that the company has given to them.

[Lee]: And what if it's a cell phone that... it's their personal cell phone that the company is paying for. And they've poured their number into your business. It's so much more complicated. And I think where the point is, is as we said with onboarding, there was an art, there was a list that should be done the same way every time for offboarding. It's the same thing. And so that's what we're going to talk about here today. So there's two tracks to think about this and we're going to walk down just one and then we're going to highlight differences at the end. So there's either a voluntary termination, you know, an employee says, I quit. Thank you. It's been great. I quit. And involuntary termination.

[Rosemary]: "It's not you, it's me."

[Lee]: Pretty much. And then an involuntary termination. This is where you as the employer, it is you, it's not us. Let them go. We're going to walk down the involuntary path where the business has identified that we have an employee that we're going to let go, and we're going to walk through the different steps. And then when we get through the end of it, we're going to circle back around and say, okay, so this would have been different in this scenario, that would have been different in that scenario. And we're going to focus this on the notion of one single employee. I was...throwing some names around earlier and all my names weren't necessarily appropriate. So Rosemary, what's the name of this employee that is our hypothetical employee that we're determining to let go?

[Rosemary]: Hypothetical. Why don't we just make it Rosemary?

[Lee]: Okay. We'll make it Rosemary. So Rosemary is being let go. And so now I am a manager, HR, whatever you want to call it. I'm the decision maker. And I've received word from Rosemary's boss that Rosemary has now been late five times in violation of company policy and therefore she's eligible for termination and we want to terminate her. What do we do? So that's our premise. That's where we're going to start from. Ready to go?

[Rosemary]: Ready to go.

[Lee]: So the first step that I would do is before we even go any further, I'm going to look at Rosemary's personnel file. I'm going to make sure that we have everything that we talked about in the onboarding episodes there. That LS54, if she's an hourly employee, the LS59, if she's an exempt employee or whatever it may be, I want to make sure they're there so that way I know that I'm starting on a good foot moving forward, right? That I don't have any exposure. Then the next thing I'm going to look to is to see if I paid Rosemary everything. Rosemary, I'm going to talk about the notions first of like, did I pay enough hours? Did I pay proper minimum wage, overtime, salary. Like I'm going to balance the books. Did I pay enough? But what about overtime, excuse me, what about vacation? What about sick time? What about those things? I'm sitting here, I've now made the decision that, you know, I'm going to let this employee go. My paperwork is in order. I've checked ADP, my payroll company. They should have been paid X. I see Y deposits. And now I see they've got sick time. They've got vacation time. What do I do? How do I address this topic?

[Rosemary]: All right, great question, but I'm going to just step back for one second. The other thing that Lee and I talked about is when they come in and say, we want to let Rosemary go, I want to know is Rosemary "at will" or does she have an employment agreement?

[Lee]: Absolutely.

[Rosemary]: All right. And so for purposes of this discussion, I'm at will.

[Lee]: Right.

[Rosemary]: Yep. So, and as Lee said, we've got two tracks going on. So, and we'll talk about. if we have someone who actually has an employment agreement. Now, to throw a wrench in it, you could be at will and have an employment agreement. So we could even talk about that, but the bottom line is, is the individual at will or do they have an employment agreement that has a set term? All right? And...If there is an agreement, you're going to go through it and look because as I said, you could have someone who is at will. I've drafted many contracts, employment agreements, because they want to include in their restrictive covenants and those types of things. But anyway, so to Lee's question, so we look and I've got Rosemary, our fictitious employee, has got sick time and she's got vacation time. What do we do with that? All right, so. Quick refresher, I think we've talked about this on other podcasts, but remember, now we're going to talk about New York right now. Yes, we have offices in Massachusetts and Connecticut and D.C., but right now, Lee and I are focused on New York. So in New York, with the payout of paid time off or vacation, so let's think about sick as separate, but your PTO and your vacation pay, if you're doing ...some do call it one or the other. First thing you're going to do is you're going to look at what your policy says because New York State says, all right, if you're silent, all right, if you don't have a policy that has in it, includes with it, what we refer to as forfeiture language. So the conditions under which you would forfeit the payout of any accrued but unused vacation. So if we have

[Lee]: Is that known as like use it or lose it.

[Rosemary]: Not really.

[Lee]: Yeah, I do know what you're talking about.

[Rosemary]: Yeah, so no, I'd say use it or lose it is at the end of the year. We don't have carryover. We don't carry it over. If you don't use it in the year in which you have earned it, you're going to lose it. Okay.

[Lee]: Okay.

[Rosemary]: That's a great question. Yeah, exactly. So no, but in New York, but I mean, New York, again, it's the policy, you know, your policy, but in particular at the time of separation, what New York says is, the policy dictates. If there is no policy that talks about the payout of vacation or PTO, they get the vacation and the PTO. Right? So you've got to go and look, what is our policy? So do we have a policy? And does it say at the time of termination of employment, you get payout? And there may be conditions in there. As I said, forfeiture. So what a lot of employers will do is they'll say, if we're letting somebody go for cause. Alright.

[Lee]: Here, this scenario of fictitious Rosemary is late.

[Rosemary]: Because I'm late.

[Lee]: ...in violation of the policies.

[Rosemary]: Exactly, exactly. And so, I'm being terminated "for cause." And let's say our policy says employees who are terminated for cause will not be paid out. Their any accrued but unused PTO. That's forfeiture language. So I don't get it. So we can look and say, oh, alright, we're letting her go for cause. Our policy clearly states that that's the case. She doesn't get payout. If we have a policy that just talks about PTO and says nothing about what happens at time of separation, then Rosemary gets the payout. So you've got to pay attention to your policy. And so, as I said, so I've got a lot of clients who will in their policy say, if you're terminated for cause, no payout. Resignation, position elimination, layoffs, you get payout. If you give us two weeks' notice and you work the notice period, you get your payout. So all that you know, it just depends on what the policy says. But again, if it's silent you get nothing...

[Lee]: So that the employer... the employee gets nothing if it's silent

[Rosemary]: No, no, they get everything.

[Lee]: Correct. They get everything. Yes.

[Lee]: So that so the moral is say something. Yes.

[Rosemary]: Yes.

[Lee]: It says make sure... literally say something. And this isn't separate from sick time. We're going to talk about sick time in a moment. Yeah And I know so many places have blended sick time policies with vacation and that causes some problems here because the goal here is right. So now we know we're letting Rosemary go. So now fast forward, you know, a week when we're actually pulling the trigger, I'm sitting across from Rosemary and I can say, Rosemary, you're getting your last check on Friday. It's going to have all of your pay. And we also know you've got five days of vacation in the bank and you sign the handbook that has the policy that says you get nothing because you've been terminated. Thank you.

[Rosemary]: That's right.

[Lee]: Or Rosemary, thank you. You know, Rosemary, you've got five days in the bank. It will be included on your last paycheck. Right. Thank you. So you have a controlled narrative of when you're having this last conversation with the employer.

[Rosemary]: That's right. And you're not having that battle because it often happens. Well, wait a second. I've got all this vacation. Why am I not getting it?

[Lee]: And so what about sick time? So what do you, how do we crack the sick time nut here now? So this is either New York City employees where you have the New York City Safe and Sick leave and New York State Safe and Sick leave now.

[Rosemary]: Yeah. Well, and, um, and Lee, as we all know, is our New York City expert. So if, if New York State has a, if New York City has a different nuance... But, um, I think hopefully most of you know, the New York sick paid, sick and safe, you're not entitled to that at time of separation, regardless of the reason. And generally, we would advise you to state that in the policy, so there's not a question. So as Lee said here, and he said, you can hand them, here's the handbook, here's your acknowledgement, clearly states, and so forth. It's nice to have that, but it isn't required, because the New York law is crystal clear. That sick leave, you know, that's...earned and not used, that is not paid out at time of separation. Now, I will say some employers do that, you know, and that's fine if you do. But if you're going to do that again, you got to say it.

[Lee]: Same thing with the city. Say it. You got to be explicit in your language. And where people walk into problems is that you have a blended pool of sick leave and vacation leave and they roll over year to year. Right. You don't have a use it or lose it and you have someone that you're at an exit interview sitting in a bank of hundreds of hours of combined sick and safe leave and your handbook is silent and you have an acrimonious exit, you're looking at a potentially large payout to someone in an exit interview on their way out the door. So, you know, this is even before you've sat across, you know, asked that, you know, said, hi, Rosemary, do you know why we're talking to you today? Before we've even done any of that. And so, and then the other thing that I would do, here and I get this call all the time, Rosemary, I'm curious if you get this too. I get the call: so Rosemary's been late I can fire her right? And then my answer is "why are you really calling you know the answer is yes." So what I would say here is you're in the position here now you now are being told to terminate someone or you're making the determination of whether to terminate someone. Ask some questions. What's really going on? Is there any exposure that we have to be worried about? How does this pop up in your practice, Rosemary?

[Rosemary]: Oh, every single day.

[Lee]: Tell me.

[Rosemary]: Literally, every single day.

[Lee]: Rather tell us.

[Rosemary]: Yes, literally. I mean, I get at least one of these calls a day. And at this point, a lot of my clients who I've worked with for years and years, they know the questions I'm going to ask. They say, all right, so I can tell you this is...this person and they happen to be, and we'll go down a kind of a checklist of different characteristics. But, and so they paint the picture for me and then they tell me this is how long the person has worked for me. They are at will. So again, checking all kind of these mental boxes and then I do exactly what Lee said, which is, all right, so tell me what's going on. So you're telling me it's an attendance issue. We have a policy and they say, well, yeah, and you know what it is? They're on FMLA. Ding, ding, ding, ding, ding.

[Lee]: Exactly.

[Rosemary]: And they're calling off and go ahead.

[Lee]: Or they filed a complaint last week.

[Rosemary]: That's right. Exactly. They came in and filed a complaint about so-and-so saying this or doing that. That's exactly right. Or they just got back from leave. Just got back from leave, they were out and, and now they're doing whatever they're doing, you know, and now Rosemary is strolling in when she wants to. She's still on her schedule when she was at home. Right?

[Lee]: So it's, it's because... what we're trying to avoid unintended consequences is essentially, um, and you do all of this by doing the plan before, you know, so this is step zero, right? In my mind, step zero before you're even starting the offboarding is, you're getting all of your ducks in the row. You're making sure we paid the right amount. What needs to still be paid, and what's really going on. What's really the real reason—because if something's been elevated to you in an HR capacity or you as an employer are trying to figure out what am I doing with this particular employee? You have to figure out, okay, can this employee say, turn this around on me and say, no, I wasn't fired because I was late. I was fired because of this and we want to try to anticipate that if we can. And it will probably be the subject of a whole 'nother episode. So stay tuned. But see, perhaps maybe do we want to offer this particular employee a severance agreement, something where we're getting a release in exchange for some potential exposure that we may have. Stay tuned. We'll talk about that.

[Rosemary]: That's right. Exactly. Well, and with this, when we were talking about what's the real reason, what's going on, and we talked through, then, so let's say, no, this person hasn't filed a complaint and they didn't just come back from leave or they didn't just file a workers' comp claim or something. All of these things. Let's say it's, no, Rosemary is just late. She's always at home, primping. She comes in late because she's primping, coming in. But seriously. So, but then what I'd ask is, all right, well, tell me about your attendance policy. You know, because that's what I want to know also. And do you have documentation that shows, you know, that she was late. And by the way, is it depending on the, the lateness, you know, what do we do with others? So Rosemary, yeah, she's come in late, but did you happen to peek at Lee's time records? And you know, is he punching in two or three minutes late every day? And we just didn't happen to catch it.

[Lee]: And then what will Rosemary will turn around and do is say, I'm being sexually, I was sexually discriminated against. They didn't just, they didn't fire Lee cause he was a man; they fired me because I'm a woman. Right. Exactly. And if you don't have the documents, right, where ...laid up, ready to go, you've now exposed yourself. So for example, right, you're now done your work. The manager has said we need to terminate Rosemary. I'm going through my checklist. Rosemary's last point here is, do I have the goods? Do I have the data? Do I have the backup? I can then say I'm in this position of HR. I'm the owner of my business. I can go back to my manager and say, I need the write-ups. I need the write-ups. Okay. Then get Rosemary late again, right? You know, get it actually written up, delay it, wait another shift or two, and then do it the right way so you're fully protected and secured.

[Rosemary]: Yeah. And are we holding her to the same standard?

[Lee]: And that's the other question too. If you do have different standards, that's a different issue that has to be correct.

[Rosemary]: Yes, exactly.

[Lee]: That must be correct because... you have to treat your best employee the same on their worst day than when you treat your worst employee on their best day.

[Rosemary]: I love that. You have to treat them the same. I love that quote.

[Lee]: You have to treat your best employee the same on their worst day as you would treat your worst employee on their best day.

[Rosemary]: Yeah. And that's hard.

[Lee]: It is.

[Rosemary]: It's very hard.

[Lee]: Because you have that employee who's always early. Yes. Always early and there late. And then you have that bad employee who you're looking for that excuse for them to be late. That's right. That's right. Right. And now they show it. So you got to treat them and it's difficult. It's so hard sometimes and we get it. That's why we're here. Please reach out. Please reach out and help. Okay. So now I think this is probably a good breaking point. Or do we want to jump into we're ready to sit down with Rosemary and have the exit interview?

[Rosemary]: What do you think?

[Lee]: I think let's walk through the exit interview process. Okay. And then after that, we'll take a break.

[Rosemary]: Okay.

[Lee]: So just like with the onboarding process, you want to have a checklist in mind. Every offboarding happens the same way. So an involuntary offboarding, we know we're letting Rosemary go. Hopefully she'll sit down and she'll talk with us in an exit interview. She'll sit down and she'll answer some questions. But before we actually sit down in the exit interview, we want to talk with our IT people, whomever else it needs to be to make sure that her account is ready to be turned off at a certain point, whether security needs to be alerted to escort Rosemary out of the building after she's done with the exit interview, but we need to get all of that down. And now Rosemary either gets the phone call, the email, the walk over and say, Rosemary, come into our office. We need to talk. And, and then when you sit down there, we want to ask questions and we want to ask questions that ask about, to the extent that Rosemary is willing to share with us, right? An involuntary proceed, an involuntary exit. They're probably not, but a voluntary one they would. We want to talk and get information points. We want to know about job satisfaction, work culture, environment. How was management? How was leadership? Was there growth and development opportunities? What was the real reasons for departure? I've got, because most employees think that they've got some insights that can make the business really change and make it better. And I've got one anecdote, then I'll turn it over to you Rosemary. I had a chef who went through 13 dishwashers in 11 months and he said to me, Lee, I just don't know why I'm going through 11 dishwashers. They just keep on quitting. And I said to the chef, well, did you ask the dishwashers as to why they're quitting? And he said, no. And he asked of this last dishwasher on the way out and the dishwasher said in so many words, I can't work here anymore because Y is a blank. And he found out that this person was causing problems for other people. He dealt with the person who was a blank, a curse word, and then the attrition problems went away. The dishwashers didn't leave because he just didn't ask that question on an employee on the way out the door. What are your thoughts, Rosemary?

[Rosemary]: Yeah, well here even at the firm we do we do exit interviews and you learn great things; you learn... and it isn't necessarily things that aren't going well it's also things that are going well. Right and so that's I think always interesting to hear too because you can build on that right and that's and it shows you yeah this is working. And so we want to continue doing that. So it's the good and maybe the not so good. Now, the thing that I always find interesting, Lee, in the exit interviews, even if it's someone, so let's put the involuntary aside because if somebody's being let go and it wasn't their choice, often it's not going to be positive. And they're going to say, I'm not going to give you the time of day. But you can be talking to someone and they're leaving under good terms. But during that conversation, they might just out of the blue, you know, Lee, bring up, well, you know, what I've noticed is so-and-so is doing this or doing that. Or, you know, I love working here, but you know what? I'm a little uncomfortable around Lee. He said some things or, you know, Lee and I'll admit, we're both huggers. But, you know, so, but let's say that somebody—

[Lee]: Fictitious Rosemary is not a hugger.

[Rosemary]: Fictitious Rosemary is not a hugger and Lee hugs me. And I'm like, you know what? Lee hugs and that makes me uncomfortable or whatever it happens to be. And a lot of clients will think, oh, okay, thanks. They write it all down and they put it in a file cabinet. What do you tell your client? I know what I tell my clients when somebody says...

[Lee]: You've now just created exhibit A for when Lee, there's a lawsuit against Lee because he's a hugger. You were on notice, you were made aware of it and did absolutely nothing about it.

[Rosemary]: That's right. So you always do the investigation. Everybody's like, well...Do I really have to do that Rosemary? They're gone now. All right. But as he said, if first exhibit, exhibit A, because they're going to say, so when fictitious Rosemary left and she told you this, what did you do?

[Lee]: Nothing.

[Rosemary]: How well is that going to go over?

[Lee]: Literally, that's the answer. It's going to be nothing. It's not going to go over well. And then also in the involuntary scenario, this is also gives you another opportunity where I sit down with now fictitious Rosemary. She's willing to sit down and talk with me. and she's now burning the roof down. Yes. You're fictitious Rosemary is saying, and I was discriminated. This person touched me. I heard this quote and you didn't pay me this and I have an unexpensed reimbursements. This is now giving you, oh, okay. I maybe need to call my lawyer now. Right. This is giving you the data points. Okay. This person's not going to go quietly into the night. And so now you've got a leg up on them. Okay. Now maybe now I have, maybe I didn't do all of my leg work before I walked into the exit interview to get all my ducks in a row. So now this is saying maybe I need to before a lawyer letter or the DOL shows up, right? So I know whether how to act appropriately...

[Rosemary]: Exactly. And you know and as we just said you want and you have to do the investigation. You get all your ducks in a row and if you find out, oh something was maybe not handled as well as it should have been you correct it, right? So it's just like when the DOL comes knocking. All right, and so we come in and we help you start doing an analysis. Oh, you know what? We weren't paying people right for their meal periods. We fix it immediately, right? So this is the same thing. If you discover something, you fix it immediately. So if somebody comes knocking, you can show, yes, the minute we were made aware of it, we had knowledge, we did an investigation and we corrected it.

[Lee]: I think I was a closing point on this as to, sorry.

[Rosemary]: I was just going to say it feeds into, what we're going to do one of these on investigations.

[Lee]: That too, I mean, stay tuned. We've got an investigations episode coming up and I think what we're going to do is we're going to put up on the website, probably a roadmap of the things that we're going to be talking about because we've been getting feedback from so many of you, of you want to hear about these topics, those topics and the answers literally is stay tuned. They're coming. They're in the can and they're coming. But I think. I think here as we pause and move on, close this part, imagine these two scenarios, right? You have fictitious Rosemary, right? You have one fictitious Rosemary who we don't have a process. We let Rosemary go, she's off into the wind. And we have no idea what happens. And something did happen to Rosemary or we didn't pay her appropriately. There was jokes, she was touched. Something bad happened, she's gone. Versus where you have an offboarding program, we identified that when Rosemary left, we owed her X, we owed her Y, we paid her this. DOL isn't coming from wage and hour division. We've sat down with her, we've checked out with her, Rosemary, did you have any issues, did you have any problems? None, we have nothing to worry about. Or on the converse, we did, now we know and we're ready for it. So, so many of these things can be prevented. This is another chance where you can prevent it. So last thing to remember here for a voluntary departure So after you say farewell you thank them for their time. They've been there, excuse me an involuntary departure, you thank them for their time. You go back to your office you type up

your notes however things went and then you send in the mail a Notice of Termination which is required by the Department of Labor, which we know so many businesses do not do. right You send a notice of termination in the mail to the last known address, as well as giving the employee notification of how to file unemployment benefits.

[Rosemary]: And that's a new thing this year. So and everybody should know that they like, oh, yeah, Rosemary, I've got a sentence in my letter that says, oh, you may be eligible for New York state unemployment benefits. That's not going to cut it anymore. All right. There's a set form. And I don't think we've got you know what, Lee, we've got to get the. Do you know the number?

[Lee]: Stay tuned. We will give you the number at the lead of the next episode. There you go. So there's the hook. We're going to reel you in. So stay tuned. Exactly. So on the notice of termination letter that you send in the mail saying your last date was this day, your last paycheck will be on this day, being consistent with our normal payroll policies. Then the next paragraph should be, you are also eligible for unemployment insurance. Stay tuned for the language. We'll get that to you. Okay. So. As always, we are now also have up on Spotify, there's a poll and we have some questions for you. And our questions are as followed that we've got a two-parter. The first is, do you currently offboard your employees? The question answers are yes or no. And if the answer was no, I will now. Let us know if this has had an effect on how you're going to, your processes. And the second question is, if so, and you're currently doing offboarding, do you do exit interviews? And that's a simple yes or no question as well. We look forward to hearing from you. As a reminder, we're always here. Reach out to either one of us. We're happy to hear from you, happy to help, and stay tuned.

[Rosemary]: For part two, right?

[Lee]: Part two of "Parting Ways, Mastering the Art of Employee Onboarding." Thanks so much, everyone.

[Rosemary]: Bye.

[Ari]: The Labor & Employment Podcast is available on barclaydamon.com, YouTube, LinkedIn, Apple Podcasts, Spotify, and Google Podcasts. Like, follow, share, and continue to listen. Thanks.

Resources for this episode:

- [Notice of Eligibility for UI Benefits](#)
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