

CHECKLIST FOR DEPARTING STAFF

Most employees who depart your firm will do so under friendly—or at least cordial—circumstances. But it is advisable to establish a formal exit procedure. Consider using a checklist, such as the following, to guide you through the process:

1. Notice of separation. Firm policies may require that employees give advance notice of their intent to quit (typically two weeks). When practical and appropriate, give employees advance notice of impending termination. If circumstances do not allow for advance notice, consider severance pay to “cover” the appropriate period.
2. Inform employees of their eligibility for continued coverage under health care plans, life insurance, retirement funds, etc.
3. Arrange for the return of firm property: credit cards, building or access cards, office keys, desk/cabinet/file room keys, parking pass, books and other research materials, client lists, personnel manual, cellphone, tablet, laptop computer, or any other office equipment or property. If appropriate, change building access code or locks.
4. Explain whether and how references will be provided to prospective employers. Be certain you and the departing employee clearly understand what the reference will cover.
5. Check that proper notice has been given to clients or other business entities where appropriate and that projects have measure of closure. Terminate signing authority on all accounts (office supply accounts, bank accounts, etc.).
6. Is the articulated reason for the separation the “real” reason? Perhaps an exit interview is in order.
7. Render the final paycheck, being sure that vacation pay, severance pay, and reimbursable expenses have been considered.
8. Terminate third-party benefits (professional association dues and memberships).
9. Remind the departing employee of the continuing duty to maintain client confidences.
10. Remove the employee’s name from routing slips, firm email, firm website, legal directories, voicemail directories, department lists, brochures, letterhead, etc.
11. Determine disposition of email in employee’s email account. Electronically file firm email in client folders or identify firm personnel to whom work-related email should be forwarded. Determine disposition of personal email – forward to employee’s personal email account, backup, archive, or delete according to firm policy.
12. Determine disposition of voicemail messages stored in employee’s voicemail box. Forward, backup, archive, or delete according to firm policy.
13. Determine disposition of personal files stored on firm network, computers, or other devices – copy for employee, backup, archive, or delete according to firm policy.
14. Return personal property from employee’s desk or work area.

CHECKLIST FOR DEPARTING STAFF

15. Disable or delete the employee's login credentials on all systems and devices, including remote access, network, desktop computer, laptop, cellphones, tablets, voicemail, and email.
16. Have you tried to make the separation respectful and compassionate?

NOTE:

This checklist is offered as a starting point for firms interested in developing an exit procedure. It neither covers all possible circumstances nor does it represent a complete analysis of an employer's legal obligations. Firms are advised to conduct appropriate legal research, consult with an employment law specialist, or seek technical assistance from the Oregon Bureau of Labor and Industries, <http://www.oregon.gov/BOLI/>.

IMPORTANT NOTICES

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund except that permission is granted for Oregon lawyers to use and modify these materials for their own practices. © 2023 OSB Professional Liability Fund