



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

What Should You Consider When an Employee Resigns?

When an employee resigns from employment, employers should consider what steps need to be taken to help protect the organization's interests and to facilitate a smooth transition. Here are some tips:

1) Transition of Duties and Responsibilities:

- Speak with the departing employee to get an understanding of any work in progress, upcoming deadlines and deliverables, and steps that need to be taken either before or after the employee leaves for the organization to carry on the work and not miss deadlines .
- Be sure to obtain any information the employee has that is necessary for transitioning the position either to existing employees or to a new employee (if the organization is going to hire one). It may be a good idea, before the employee's departure, to have the employee prepare some Standard Operating Procedures if they don't already exist regarding processes the employee uses to do the job.
- Transition any account access and all relevant passwords, particularly for financial accounts, to another employee. Please be aware that no one employee should have exclusive access to key financial or other accounts of the organization.

2) Determine How to Address Benefits Upon Departure:

- If the employee has any employee benefits, such as a health or retirement plan, determine what happens to those benefits upon termination (i.e. do they end immediately, at the end of their last month, etc.?). Inform the employee of any steps they must take regarding benefits. If the health or retirement plan benefit will be converted to personal coverage or accounts, the organization should provide instructions to the employee about the conversion process.
- If the employee has accrued but unused paid time off (PTO) or vacation, the organization should review policies and past practice regarding a payout. Georgia law does not require an employer to pay for unused accrued time off/vacation unless the employer has either promised to do so (such as in a written policy) or has done so for other departing employees in the past. If the employee has accrued time, the organization will need to determine whether or not it will be paid out upon departure.

3) Steps To Take On The Last Day:

- Consider whether to conduct an exit interview with the departing employee. During an exit interview, the organization can share departure information, solicit feedback from the employee about the reason for the resignation and seek information about the employee's experience as an employee of the organization. If so, schedule the exit interview in advance to take place on the employee's last day.

Dated: 5/27/2021

www.pbpatl.org

© 2021 Pro Bono Partnership of Atlanta, Inc. All rights reserved

- Obtain any passwords for organization systems, account information. Secure any keys, access cards, laptops or other equipment the employee may have, any organization credit card, and any documents in the employee's possession that relate to the organization or its work.
- If the employee has signed a Confidentiality Agreement, remind the employee of the continuing obligation to maintain the confidentiality of organization information.
- Upon departure, immediately cut off access to email or other electronic systems, and any organization accounts.
- Under Georgia law, all employers are required to provide a [Georgia Separation Notice](#) (DOL 800) whenever an employee leaves employment. This includes a resignation. The DOL 800 should be provided to the employee at the time of departure.

If you have questions about an employee resignation or next steps, please contact your PBPA attorney.