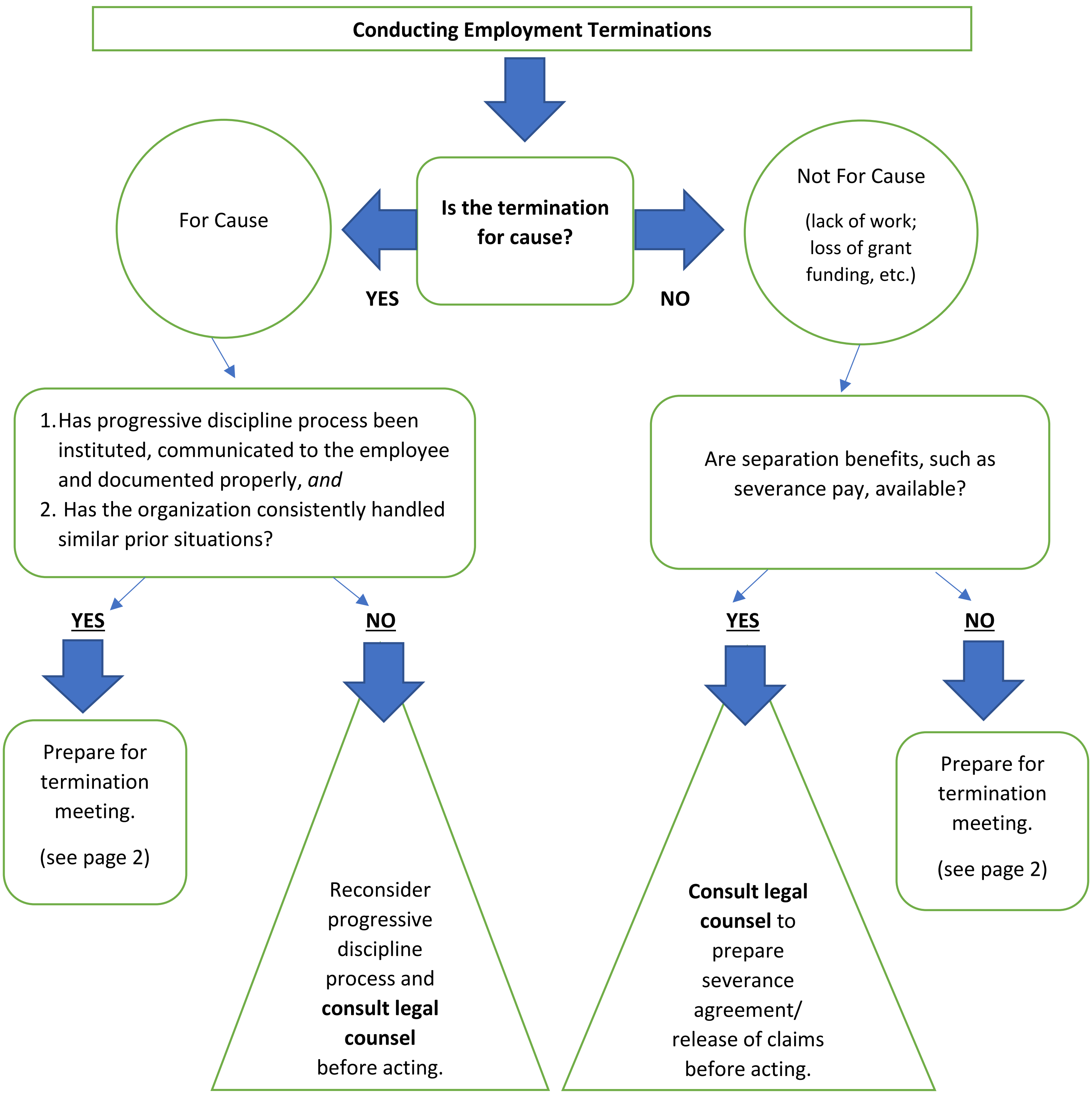
This communication presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

EMPLOYEE TERMINATION LEGAL CONSIDERATIONS FLOW-CHART AND GUIDE TO LEGAL CONSIDERATIONS

The flow chart and guidelines below provide a general outline of considerations for nonprofits who may need to terminate an employee. Further details are provided in the PBPA Podcast episode *So You Need to Let an Employee Go*.



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Before, During & After the Termination Meeting with the Employee to Communicate the Decision

I. **Before the Meeting**

1) ***Consult with legal counsel to ensure that you have followed proper disciplinary processes, if applicable, and to assess any risks posed by carrying out the termination***
2) Consider what information the employee has that the organization needs (access to accounts/confidential information, program knowledge, etc.).
3) Consider what property the employee has that the organization needs to have returned (laptop, keys credit card, etc.).
4) Plan for transition of duties – who will do what; who gets their email.
5) Consider how long organization needs to put appropriate transition in place.
6) Plan to turn off computer/email/other account access while meeting occurs.
7) Prepare all documents needed to be in place for meeting (and make a copy of all documents that will be provided to the employee to keep in organization records):
    a. Severance Agreement/Release of Legal Claims (consult with legal counsel)
    b. Completed Georgia Separation Notice Form
    c. Final paycheck (or communicate when it will be provided)
    d. Instructions related to benefit conversion for health insurance, 401k/403B or other benefits.
8) Prepare a script for the termination meeting conversation.
9) Consider how the employee may react. This will help determine some of the variables as part of your planning (where to meet; when to meet; who should be present).
10) Prepare for the meeting:
    a. Include at least 2 management representatives (this may include board members).
    b. Consider location, including security precautions that may be needed.
    c. Consider time (i.e., avoid day before holiday/vacation; avoid high traffic times in the office).

II. **At the meeting**

1) Stick to the script. Do not elaborate, even in response to questions. The meeting should be brief and professional.
2) Briefly and honestly explain to the employee the reason for termination (i.e., You have received X number of warnings, including the final written warning. You were told employment would be terminated if your performance failed to improve. Since that has happened, we are terminating employment. or Your position is being eliminated due to a loss of funding.)
3) Communicate that this is a final decision.
4) Provide information about any severance or separation benefits, documents to be signed, any deadlines, and how to return the signed documents.
5) Provide a Georgia Separation Notice.
6) Provide and explain information about benefit continuation.
7) Request and arrange for the return of all organization property, equipment, keys, access cards, and documents. **If employee has passwords to online accounts that other employees do not have, request the password.**
8) Allow employee to respond or ask questions.
9) Allow employee to pick up personal belongings.
10) Escort employee out of office.

III. **After the Meeting**

1) Ensure that all pay owed for prior work is paid by the next regularly scheduled pay day.
2) Promptly answer any follow-up questions raised by separated employee.
3) If a separation agreement is signed by the separated employee and returned, promptly return a fully-signed copy to the employee.
4) Ensure separated employee's access and passwords have been withdrawn or changed.
5) Pay severance on time. If there is a revocation period in the severance agreement, wait for it to expire before paying severance.
6) Maintain copies of all documentation in separated employee's file.
7) Notify others in the organization and transition work.

ALWAYS CONSULT WITH YOUR PBPA ATTORNEY IF YOU HAVE ANY QUESTIONS AT ANY POINT IN THIS PROCESS.