

Termination of Employment: Respecting Employees and Protecting Employers

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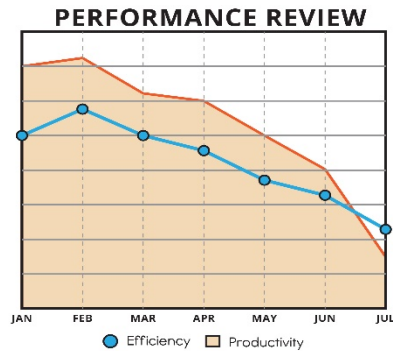
Overview of Objectives

- When and how to end the employment relationship
- Statutory obligations and risks for potential legal exposure upon termination
- How severance packages protect employers and ease the transition for employees

When and How to End Employment Relationship



Evaluate Factual Circumstances



- Complaint filed
- Potential Complaint
- Performance Issue
- Reduction in force
- Staffing needs and transition

Consider Offering Severance in Exchange for Release of Claims



Prepare for Conversation at Time of Termination



- Time, place, persons present, tone
- Reason for termination (or not?)
- Facts leading up to decision
- Explain transition

Consider what Access to Company Equipment and Resources Must be Terminated Upon Separation



Statutory Obligations and Risks for Potential Legal Exposure Upon Termination



Evaluate the Potential Damages Under Any Potential Legal Claim



Consider Statutory Requirements to Obtain Release of Age Discrimination Claim



Consider Statutory Requirements if Company is Closing a Plant or Instituting Mass Layoff



How Severance Packages Protect Employers and Ease the Transition for Employees



Compensation to Employee



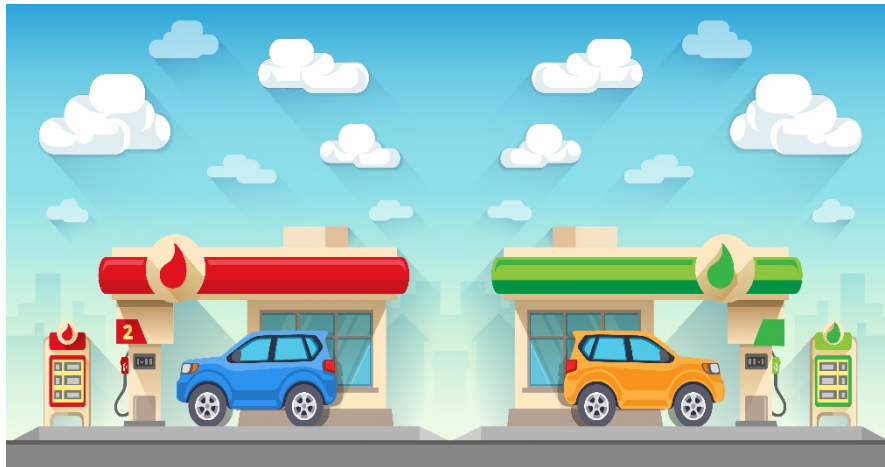
- Amounts owed to employee
- Additional consideration in exchange for release
- Deferred compensation

Release of Employer



- Effective date
- Agreement not to sue
- Specific individuals
- Claims waived
- Carveouts

Other Employer Protections



- Confidentiality
- Company property
- Non-competition
- Non-solicitation
- Non-disparagement
- Remedies upon breach

Thank you!

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