



HR Resource: Workforce Separations

Supplemental Materials

- **Separation Checklist**
- **Internal Personnel Action Form**
- **Involuntary Termination Checklist**
- **Layoff Checklist**

Employee Name: _____	Department: _____	Date of Separation: _____
Job Title: _____	Supervisor: _____	
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Personnel Action Form Completed <input type="checkbox"/> Resignation Letter from Employee (if applicable) <input type="checkbox"/> Communicate the separation to co-workers and to relevant individuals outside the organization <input type="checkbox"/> Insurance: <div style="margin-left: 20px;"> <input type="checkbox"/> COBRA notice (must be mailed) <input type="checkbox"/> Benefits Conversion Info <input type="checkbox"/> HIPAA </div> </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Retirement Plan Conversions/Transfers <input type="checkbox"/> Telephone ID Code <input type="checkbox"/> Retirement Plan <input type="checkbox"/> Forwarding Address <input type="checkbox"/> Security Clearance <input type="checkbox"/> Return Employee Handbook <input type="checkbox"/> Return Supervisor's Manuals <input type="checkbox"/> Exit Interview Form <input type="checkbox"/> Notify IT to Change Computer Password and Access Authorization Codes <input type="checkbox"/> Expense Advances Repaid to Company <input type="checkbox"/> Outstanding Expense Reports Due Employee <input type="checkbox"/> Company Property Returned: (See Company Property Receipt) <div style="margin-left: 20px;"> <input type="checkbox"/> Keys and Key Cards <input type="checkbox"/> Cell Phone/Pager <input type="checkbox"/> Parking Pass <input type="checkbox"/> Badges <input type="checkbox"/> Credit Cards <input type="checkbox"/> Laptop/iPad/Tablet <input type="checkbox"/> Other _____ _____ </div> </div> <div> <input type="checkbox"/> Exit Interview Questionnaire Completed </div>		
Final Checks Issued: _____ Date: _____		<input type="checkbox"/> Delivered in Person <input type="checkbox"/> Mailed to: _____
Other: _____ _____ _____ _____		
Comments: _____ _____ _____ _____		
Exit Interview Conducted by: _____		Date: _____



REQUISITION/INTERNAL PERSONNEL ACTION FORM

Employee Name:		SSN/Employee ID:	
Today's Date:		Effective Date of Action:	
HIRE		CHANGE	
<input type="checkbox"/> NEW HIRE <input type="checkbox"/> REHIRE <input type="checkbox"/> RECALL FROM LAYOFF <input type="checkbox"/> INTER-DIVISION TRANSFER <input type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME <input type="checkbox"/> PER DIEM <input type="checkbox"/> TEMPORARY <input type="checkbox"/> SERVICE/SENIORITY DATE _____		<input type="checkbox"/> STATUS CHANGE <input type="checkbox"/> PROMOTION <input type="checkbox"/> TRANSFER <input type="checkbox"/> JOB TITLE <input type="checkbox"/> OTHER _____ <input type="checkbox"/> SALARY CHANGE <input type="checkbox"/> ANNUAL REVIEW <input type="checkbox"/> PROMOTION <input type="checkbox"/> OTHER _____	
		<input type="checkbox"/> VOLUNTARY QUIT <input type="checkbox"/> LAYOFF <input type="checkbox"/> DISCHARGE <input type="checkbox"/> OTHER REASON: _____ (Explain in comments) SEPARATION PAY <input type="checkbox"/> YES <input type="checkbox"/> NO REHIRE <input type="checkbox"/> YES <input type="checkbox"/> NO LAST DAY WORKED _____ EXIT INTERVIEW APPOINTMENT DATE _____ TIME _____	
CURRENT INFORMATION (FROM)		NEW/CHANGE INFORMATION (TO)	
J O B	POSITION _____ SHIFT _____ DIVISION _____ DEPT. NAME _____ DEPT. NO. _____ <input type="checkbox"/> EXEMPT <input type="checkbox"/> NON-EXEMPT <input type="checkbox"/> HOURLY <input type="checkbox"/> REGULAR <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PER DIEM <input type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME HOURS PER WEEK _____	POSITION _____ SHIFT _____ DIVISION _____ DEPT. NAME _____ DEPT. NO. _____ <input type="checkbox"/> EXEMPT <input type="checkbox"/> NON-EXEMPT <input type="checkbox"/> HOURLY <input type="checkbox"/> REGULAR <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PER DIEM <input type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME HOURS PER WEEK _____ CHANGE REASON: _____	
P E R S O N A L	NAME _____ STREET _____ APT.# _____ CITY _____ STATE _____ ZIP CODE _____ PHONE _____ OTHER: _____ _____ _____	NAME _____ STREET _____ APT.# _____ CITY _____ STATE _____ ZIP CODE _____ PHONE _____ OTHER: _____ _____ _____	
S A L A R Y	RATE _____ PER _____ EFFECTIVE DATE _____ JOB GRADE _____ PREVIOUS RATE _____ PER _____ EFFECTIVE DATE _____	RATE _____ PER _____ PERCENT INCREASE _____ JOB CLASS _____ CHANGE REASON: _____ _____ NEXT REVIEW DATE _____	
COMMENTS:			
SUPERVISOR:		DATE:	HUMAN RESOURCES:
NEXT LEVEL REVIEW:		DATE:	OTHER:
		DATE:	

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INVOLUNTARY TERMINATION CHECKLIST

Before you terminate:	YES	NO
Can you specify what rule or policy was violated?		
Is the rule or policy in the handbook?		
Is the rule or policy in the handbook?		
Does the employee understand the rule or policy?		
Has the performance or behavior been addressed in the employee's most recent evaluation or other documentation?		
Have other employees with similar performance or behavioral issues been treated similarly?		
Have you collected information about the employee's work record, seniority, and prior performance?		

Investigating an incident (if applicable):	YES	NO
Has the incident been completely investigated:		
Does the employee admit the act/event occurred?		
Have witnesses been interviewed?		
Do you have statements in writing from witnesses/observers?		
Is the information factual, containing no opinion, bias, or misleading information?		
Are the facts and data clear and understandable?		
Are all details provided in a complete manner?		
Does any of the data/information contradict other data in the file?		
Is there an adequate amount of information on which to base your decision?		
Could any of the information be challenged and/or discredited in a legal or administrative proceeding?		
Is all information job-related?		

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Investigating an incident (if applicable) con't.:

Is information neat and orderly?

Is the entry signed and dated?

Is the information collected different from information collected about other employees?

Is the employee a member of any protected class?

Are there any pending claims/complaint by the employee?

Have you evaluated all facts, prior company practice, employee work history, and reason for the rule or policy in operation and considered all extenuating circumstances?

Have you scheduled a meeting to discuss the situation?

Are at least two levels of management involved in the decision to fire an employee?

Are at least two persons present when the employee is told s/he is fired?

Have you planned how you will maintain the dignity during the termination process?

YES

NO

See AAIM's Toolkit on Workplace Investigation

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LAYOFF CHECKLIST

When implementing a reduction in force, employers should adhere to certain procedures to ensure that they comply with the law and keep the process as honest and fair as possible.

GENERAL CONSIDERATIONS	YES	NO
Have you considered possible alternatives to layoff, such as work sharing, a reduction in pay, furloughs, or offering early retirement to those employees about to reach retirement age?		
Once you decided that a layoff is necessary, have you determined the number of layoffs and the departments that will be affected?		
Have you reviewed any collective bargaining agreements for provisions relating to layoffs?		
Have you relied on objective, business-related criteria when selecting employees for layoff?		
In the alternative, have you followed an established seniority system?		
Have you documented the selection criteria for each employee laid off?		
Has management, not frontline supervisors, determined the criteria?		
Has management reviewed supervisors' application of the criteria?		
Have you avoided laying off employees, such as frontline supervisors, who are involved in the reduction in force?		
CONSIDERATIONS FOR LAID-OFF EMPLOYEES		
Have you considered offering severance pay?		
Have you educated laid-off employees about outplacement services offered by the company or through the state or federal government?		
Have you communicated to employees the possibility of rehire (if that is the case)?		
CONDUCTING THE LAYOFF		
Have you planned to terminate the employees at once rather than over a period of time?		
Have you prepared a script that states the reasons for the layoffs?		
Have you determined that the last day of work for laid-off employees will be the date the terminations are announced?		

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LEGAL CONSIDERATIONS	YES	NO
Have you determined whether the federal WARN Act or state law requires advance notice of the layoffs? – See WARN Act Flow Sheet following		
Have you reviewed the layoff statistically to determine if there is an adverse impact on protected groups, such as minorities or those over the age of 40?		
Did you provide notice of health insurance continuation under COBRA and/or state law?		
Have you determined whether the Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to any of the laid-off employees?		
LAYOFF SURVIVORS		
Are you prepared to assist layoff survivors who have feelings of guilt and/or anxiety?		

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TIPS ON CUTTING BACK

Having to cut back is painful and potentially hazardous. Keeping the right people, avoiding employee backlash and being able to defend against complaints of illegal discrimination based on gender, race, age, etc. requires special care and a systematic objective approach.

Going by seniority - last in, first out - is the way preferred by most unions. It might appear simplest, but is rarely the best way. Experience and length of service are big factors to consider, but the employee that has been with you the longest is not necessarily the best one to keep. The single advantage of using date of hire is its seeming objectivity. The two big disadvantages are that individual qualifications and work requirements - the two most essential ingredients in getting any job done - are totally ignored.

Each of these can be isolated and compared almost as objectively as seniority can by using a two-step process. Step one, make a short list of a half dozen or so of the most critical work-related personal factors (including seniority) and job requirements. Step two - accurately rate each individual being considered for retention/layoff on each of the work-related factors on a scale of one to ten. A factor or factors thought to be particularly important can be given additional weight by using a scale of one to twenty, or even one to thirty.

Ranking the candidates in order of total score helps answer the question of who goes and who stays. If done honestly and objectively, most everyone can accept the results as fair and reasonable. Management oversight and review is crucial to assure impartiality and fairness. Below is a grid set up to show how the rating system can be used. Traits listed are only samples. Factors chosen should be clearly job related, and easy to identify and measure.

Employee Name: _____

Department: _____

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Rating:

Factor:

1 2 3 4 5 6 7 8 9 10

Seniority – Length of Service										
Ability to do existing work without training										
Ability to do other critical jobs if necessary										
Past work effectiveness, productivity/quality										
Past personal performance, attendance, reliability										
Attitude – ability to work with others and supervisors										

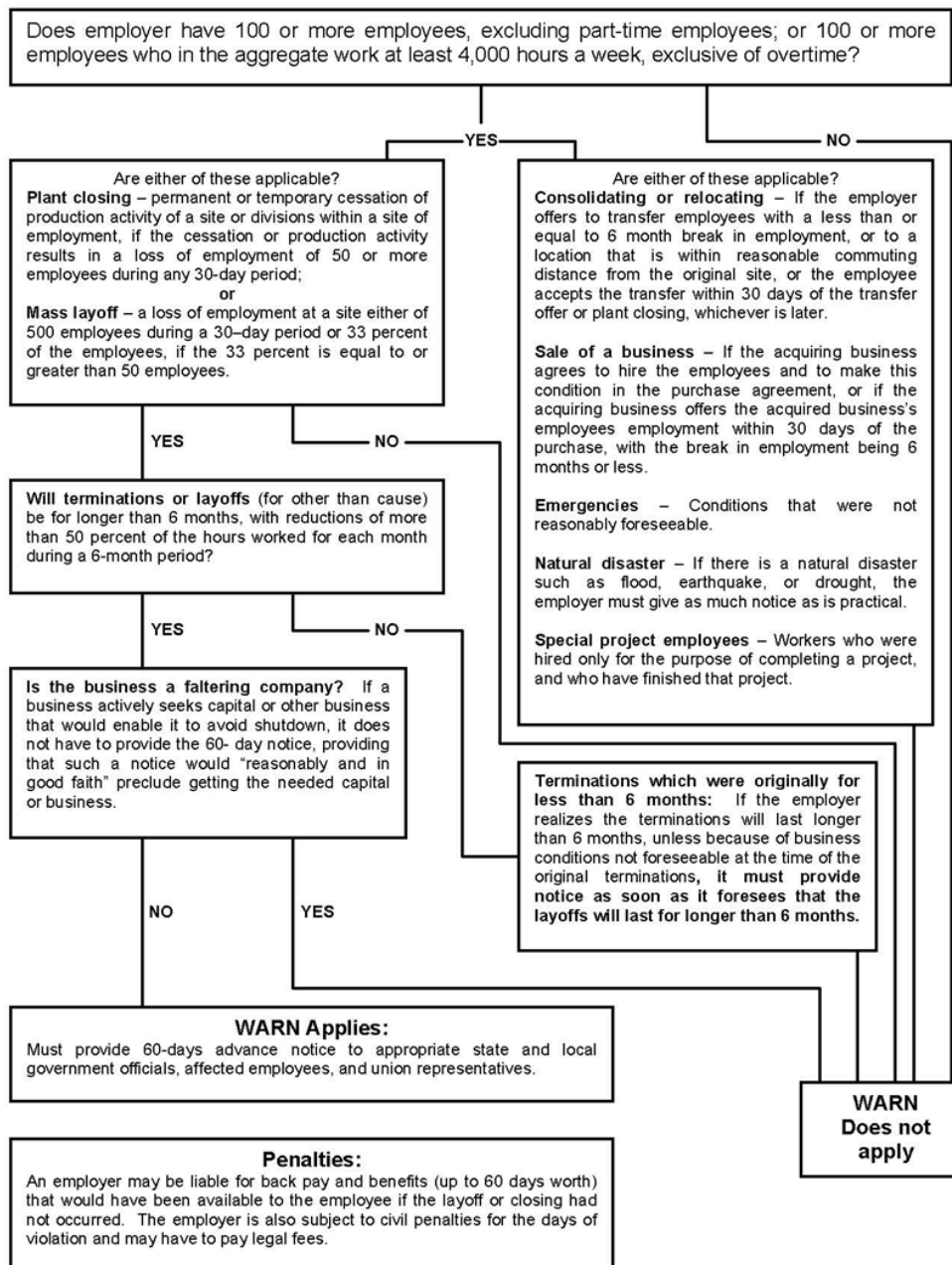
Total Points

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[U.S. Department of Labor WARN Act Employers Guide](#) - Click this link to access the DOL full guide.

The Worker Adjustment and Retraining Notification Act



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Additional State Specific Considerations:

State	Plant Closings, Layoffs, and WARN Acts: Applicable Laws and Regulations
Federal	<p>Plant closing requirements, applicable to private and public employers are covered in the Worker Adjustment and Retraining Notification Act in the United States Code, Title 29, Chapter 23, Sections 2101 through 2109, as well as in the Code of Federal Regulations, Title 20, Chapter V, Part 639 (20 C.F.R. 639). The law covers employers with 100 or more employees, not including those who have worked less than six months in the last 12 months and those who on average work less than 20 hours a week. Regular federal, state, and local government entities that provide public services are not covered (20 C.F.R. 639.3).</p> <p>Note: On June 15, 2022, a federal appellate court ruled that the COVID-19 pandemic is not a natural disaster that would relieve employers of their duty to give adequate notice prior to a mass layoff (<i>Easom v. US Well Services, Inc.</i>, US CtApp, 5th Cir., No. 21-20202, June 15, 2022).</p>
Illinois	<p>Plant closing requirements, applicable to private employers (with 75 or more employees, excluding part-time employees), are covered in the Illinois Compiled Statutes Annotated at Chapter 820, Sections 65/1 through 65/99.</p> <p>Plant closing requirements, applicable to state employers, are covered in the Illinois Compiled Statutes Annotated at Chapter 775, Section 5/2-105 and at Chapter 30, Sections 608/5-1 through 608/99-999.</p>

State	Plant Closings, Layoffs, and WARN Acts: Notice
Federal	<p>Public and private employers: Before ordering plant closings or mass layoffs, employers must provide 60 days written notice to: (1) each employee representative (or each affected employee, if no representatives); (2) state dislocated worker units; and (3) the chief elected official of the local government unit where the closing/layoff will occur. Employers may order shutdowns of single employment sites before the end of the 60-day period if, at the time notice was required, they were actively seeking capital/business that would have allowed them to avoid/postpone shutdown and they reasonably believed that notice would have precluded them from obtaining the needed capital/business.</p>

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Federal Cont.	<p>Employers may also order plant closings/mass layoffs before the end of the 60-day period if caused by business circumstances that were unforeseeable at the time notice was required. Notice is not required if plant closings/mass layoffs are due to natural disasters. Employers must give as much notice as practicable, along with a brief statement why the notification period is reduced (29 U.S.C. Sec. 2102). Employers may mail notices to employees' last known addresses or include them in paychecks (29 U.S.C. 2107). Employers that are not required to comply with the notice requirements are still encouraged to do so (29 U.S.C. 2106)).</p>
Illinois	<p>Private employers: Before ordering a mass layoff, relocation or employment loss, employers must give 60 days written notice to: (1) affected employees and their representatives; and (2) the Department of Commerce and Economic Opportunity and the chief elected official of each municipal/county government within which the employment loss, relocation, or mass layoff occurs. Notices must include the elements required by the federal Worker Adjustment and Retraining Notification Act. Employers may mail notices to employees' last known addresses or include them in paychecks. Notice is not required if the mass layoff, relocation or employment loss is necessary due to physical calamity or acts of terrorism or war (820 ILCS 65/10).</p> <p>For sales of businesses, sellers must provide notices for plant closings/mass layoffs up to and including the effective date of the sale. After that, purchasers must provide the notice (820 ILCS 65/10).</p> <p>Employers don't need to provide notice if: (1) the Department of Labor determines that, at the time notice would have been required, the employer was actively seeking capital or business that (if obtained) would have enabled the employer to avoid/postpone the relocation or termination <i>and</i> the employer reasonably believed that giving notice would have precluded the employer from obtaining the needed capital or business; or (2) the Department of Labor determines that the need for a notice was not reasonably foreseeable at the time it would have been required. In addition, notice is not required if: (1) the plant closing is of a temporary facility or the plant closing/layoff is due to project completion and affected employees were hired knowing that employment was limited to the duration of the facility or project; or (2) the closing or layoff constitutes a strike or lockout not intended to evade the requirements of this law (820 ILCS 65/15).</p> <p>State employers: State executive departments, agencies, boards, commissions and instrumentalities must notify the Department of Human Rights 30 days before ordering a layoff. Once notice is given: (1) layoffs may not be effective until 10 working days after such notice, unless an emergency layoff situation exists; (2) the employer must notify each affected employee (and union representative, if applicable), and the State Dislocated Worker Unit at the Department of Commerce and Community Affairs; (3) the employer must conform to applicable collective bargaining agreements; and (4) the employer must notify each affected employee that transitional assistance may be available under the Economic Dislocation and Worker Adjustment Assistance</p>

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Illinois Cont.	Act. Failure to give such notice will not invalidate the layoff or postpone its effective date (775 ILCS 5/2-105).
	The state executive branch officer must file notice with the Commission on Government Forecasting and Accountability within 2 days after the 1st public announcement of the planned or proposed closure of a state facility. Within 10 days of receiving the notice, the Commission may require the state executive branch officer to file a recommendation for the closure of the facility with the Commission (recommendations are required for certain types of facilities). Recommendations, which must include specified information, are due within 30 days of the request (30 ILCS 608/5-10).

[Illinois Department of Labor WARN Web Page](#)

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State	PAY AT TERMINATION
Federal	No relevant statutory provisions.
Illinois	<p>Private and public employers: At the time of separation from employment, wages due must be paid at the time of separation, if possible, but no later than the next regular payday. If an employee requests in writing that final compensation be paid by check and mailed, employers must comply. Unless otherwise provided in a collective bargaining agreement, if an employment contract or policy provides for paid vacations, the monetary equivalent of vacation time earned but not used must be paid as part of final compensation at the final rate of pay. Employment contracts or policies may not provide for forfeiture of earned vacation time upon separation (820 ILCS 115/5 and Ill AdminCode, tit. 56, Sec. 300.520). Striking or laid-off employees must be paid for wages earned no later than the next regular payday (820 ILCS 115/4).</p> <p>Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid upon demand at any time within a period of 5 days after the time fixed for payment; and after the expiration of the 5 day period, payment shall be made upon 5 days demand. Payment to the absent employee shall be made by mail if the employee so requests in writing. All wages and final compensation shall be paid in lawful money of the United States, by check, redeemable upon demand and without discount at a bank or other financial institution readily available to the employee, by deposit of funds in an account in a bank or other financial institution designated by the employee, or by a payroll card that meets the requirements of Section 14.5 (820 ILCS 115/4).</p> <p>A former employee is entitled to a proportionate share of bonuses earned by length of service (regardless of provisions in agreements conditioning payment upon employment on a particular date) when employment is terminated by mutual consent of the parties or by employers through no fault of the former employee (Ill AdminCode, tit. 56, Sec. 300.500).</p> <p>Commissions. A commission is the compensation for services performed pursuant to an employment contract or agreement between the two parties. In order to be entitled to receive compensation for a commission under the Act, the commission must be earned under the terms of the agreement or contract. A separated employee has a right to an earned commission when the conditions regarding entitlement to the commission have been satisfied, notwithstanding the fact that, due to the employee's separation from employment, the sale or other transaction was consummated by the principal personally or through another agent. When the employer and employee agree that the employee is to be paid a commission on the basis of a particular sale, and the sale is subsequently voided, the employer may deduct from the employee's wages or final compensation the amount of the commission previously paid on that particular sale (Ill AdminCode, tit. 56, Sec. 300.510, amended July 20, 2011, 35 Ill. Reg. 12933, and August 22, 2014, 38 Ill. Reg. 18517).</p>

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Illinois
Cont.

"Wages." For all employees, other than separated employees, "wages" shall be defined as any compensation owed an employee by an employer pursuant to an employment contract or agreement between the 2 parties, whether the amount is determined on a time, task, piece, or any other basis of calculation. Payments to separated employees shall be termed "final compensation" and shall be defined as wages, salaries, **earned commissions**, earned bonuses, and the monetary equivalent of earned vacation and earned holidays, and any other compensation owed the employee by the employer pursuant to an employment contract or agreement between the 2 parties. Where an employer is legally committed through a collective bargaining agreement or otherwise to make contributions to an employee benefit, trust or fund on the basis of a certain amount per hour, day, week or other period of time, the amount due from the employer to such employee benefit, trust, or fund shall be defined as "wage supplements", subject to the wage collection provisions of this Act (820 ILCS 115/2).

Noncompete agreements for low-wage employees prohibited: *Illinois Freedom to Work Act.*

No employer shall enter into a covenant not to compete with any low-wage employee of the employer. Any such covenant not to compete is illegal and void. "Low-wage employee" means an employee who earns the greater of (1) the hourly rate equal to the minimum wage required by the applicable federal, State, or local minimum wage law or (2) \$13.00 per hour. (820 ILCS 90/5 and 820 ILCS 90/10).

Source: CCH HR Answers Now



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