



HR Resource: Workforce Separations

Supplemental Materials

- **Guidance**
- **Checklists**
- **Sample policies**



WORKFORCE SEPARATIONS

Employee separations, whether voluntary or involuntarily, are a critical part of workforce management. Each departure can impact morale, productivity, legal compliance, and your employer brand. Handling these transitions with care ensures organizational continuity and protects both parties involved.

Voluntary Separations: Why Employees Choose to Leave

Common Voluntary Reasons:

- **Career Advancement** – Better job titles, growth, or new challenges elsewhere
- **Compensation & Benefits** – Competitive offers or more desirable perks
- **Work-Life Balance** – Burnout, long commutes, lack of flexibility
- **Cultural Misalignment** – Disconnect with values, leadership, or team dynamics
- **Personal Circumstances** – Relocation, family needs, health, or retirement

Voluntary Exit Checklist:

- Confirm receipt of resignation in writing
- Schedule exit interview and final day
- Communicate departure internally and externally if appropriate
- Recover company property and access
- Process final paycheck and benefits wrap-up
- Document reasons for departure for trend analysis

Involuntary Terminations: When Employers Must Make the Call

Common Involuntary Reasons:

- **Performance or Conduct Issues** – Failure to meet expectations or policy violations
- **Position Elimination** – Restructuring, mergers, layoffs, or downsizing
- **Attendance or Reliability** – Excessive absenteeism or tardiness
- **Insubordination or Conflict** – Breakdown of trust or team dynamics
- **Compliance or Legal Risk** – Violations of law or company code

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Involuntary Termination Checklist:

- Review employee file and document incidents
- Consult legal/HR for risk and compliance
- Prepare final pay and COBRA info
- Plan and script termination meeting
- Retrieve equipment and terminate access
- Conduct respectful, private conversation
- Communicate internally with discretion

Separation Guidelines for HR & Leadership

- **Be Consistent** – Align decisions with policy and past precedents
- **Prioritize Documentation** – Helps mitigate risk and tells the full story
- **Stay Compliant** – Follow federal, state, and local employment laws
- **Use Exit Data Strategically** – Improve retention, onboarding, and management practices
- **Train Managers** – Ensure leaders can handle separations respectfully and legally

Every separation is a moment of reflection. Whether the employee walks away or is asked to leave, how you manage exits shapes culture, compliance, and your organization's long-term health. A clear, respectful, and legally sound process helps ensure a smooth transition for all parties.

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EMPLOYEE TERMINATION CHECKLIST

Employee Name: _____ Employee #: _____

Supervisor: _____ Department: _____

Last Day Worked: _____ Phone #: _____

Forwarding Address: _____

Type of Termination: Voluntary Involuntary Job Abandonment Other (Military/Death/etc.)

ACTION TAKEN (INITIAL)	Initials
Obtain resignation in writing	
Corrective action followed	
Employee explanation provided	
Letter of termination (including reasons) (If required; some states do not require letters of termination.)	
Clean Employee Workspace (remove personal belongings)	
Effective Date of Termination	
Final Wages (when paid / how paid (mailed, pick up, direct deposit))	
Benefits Paid Out at Termination	
Benefits Summary (COBRA)	
Training Certificates (if applicable)	
Rehire Eligibility	
Handling of References	
Future Access to Premises	
IT Equipment (computer/laptop/mouse/monitors, etc.)	
IT Security Codes and Passwords (if relevant)	
All Company Propriety Files and Information	
All Keys (building/locker/desk/cabinets/etc.)	
Company Cell Phone	
Credit Card (Visa/Mastercard/American Express/Gas Card/Other)	
Company ID Card (including parking permit)	
Business Cards	
Timecard	
Uniform (if company owned)	
Tools and/or Equipment (if company owned)	
Exit Interview	
Human Resources Contact Information provided to employee	
Other Documentation:	
Computer Access Removed (includes email)	
Phone Access Removed (includes deactivating from phone list and voicemail)	
Direct Deposit Stopped	
Building/Security Codes Removed (if applicable)	
Other	
Other	

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VOLUNTARY SEPARATIONS

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SAMPLE LETTER OF RESIGNATION

To (Supervisor/Department Head):	
Today's Date:	
I wish to voluntarily terminate my employment from [COMPANY]. My effective date of termination will be [INSERT DATE]. My last day of work will be [INSERT DATE].	
Reason for leaving the organization:	
My current address and phone number are:	
If you are moving, please tell us your new address and phone number.	

Signature

Department

Name Printed

Supervisor's Signature

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Employee Resignation/Termination Checklist - Read and initial each statement

- ____ 1. **Letter of Resignation:** Submit a letter of resignation to your supervisor. The letter should include the reason for leaving and the date of your last day of work. A copy will be sent to HR and Payroll.
- ____ 2. **Final Paycheck:** Your final paycheck will be issued on the regular pay date following your last day of work.
- ____ 3. **Payment for Unused Vacation:** You will be paid for any unused vacation you have accrued. This payment will be made with your last regular paycheck or on the next regular payroll cycle following your final s paycheck. Standard tax deductions will be applied.
- ____ 4. **Unused accrued sick leave is not paid out.**
- ____ 5. **Medical & Dental:** Your benefits will end on the last day of the month. You will have an opportunity to continue these insurance benefits through COBRA. You will receive information about the costs and how you can enroll to continue these benefits.
- ____ 6. **Basic Life Insurance:** Your life insurance benefits will end on the last day of your employment. For information about conversion to a private plan, please contact the Human Resources Department.
- ____ 7. **Supplemental Life Insurance:** Please contact the Human Resources Department about continuing any supplemental life insurances you have enrolled in through our benefits plan.
- ____ 8. **FSA – Flexible Spending Account:** Claims can be submitted up until DATE for expenses incurred through DATE.
- ____ 9. **401(k)/Retirement Benefits:** The Human Resources Department will provide information to you regarding rolling over and/or accessing your retirement benefits.
- ____ 10. **Payroll Deductions:** All Payroll deductions will cease with the last paycheck. Contact the Payroll Administrator with any questions you may have.
- ____ 11. **Company Property:** All Company Property must be turned into your supervisor by the last date of employment.
 - ____ Keys
 - ____ P-Card/Credit Card
 - ____ Laptop
 - Other _____
 - Other _____
 - ____ Name Badge
 - ____ Cell Phones
- ____ 12. **Change of Address:** Inform Human Resources of all address changes to ensure you will receive your W-2 statement.
- ____ 13. **Exit Interview:** Complete the Exit Interview form and discuss with your supervisor during an exit interview. The purpose of the exit interview is to address any questions, comments, or concerns regarding your employment at _____.
- ____ 14. **Computer Accounts and Files:** All access to computer and E-mail accounts are closed at time of termination.

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Supervisor's Termination Checklist, Initial each statement

- 1. Obtain a letter of resignation from the employee.
- 2. Complete the termination portion of the Change of Employment form & submit with resignation letter to the Human Resource Office.
- 3. Notify Payroll if employee has recently taken vacation or sick leave.
- 4. Employee must return all company property by the last date of employment.
 - Keys Name Badge
 - P-Card/Credit Card Cell Phones
 - Laptop
 - Other _____
 - Other _____
- 5. Notify IT of termination so telephone, e-mail, and network access is processed
- 6. Notify key contact people with whom the employee works regularly.
- 7. Ask employee if they will have a change of address.

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EXIT INTERVIEW QUESTIONNAIRE

We would appreciate it if you would take 8-10 minutes to answer the following questions as honestly as possible. Your individual responses are treated as confidential and will not become part of your personnel file. We believe that the information is of vital importance and will assist in analyzing our employee retention and turnover. Thank you for your cooperation!

Employee Name (Print)

Date of Separation

What prompted you to leave our organization?

- Type of Work
- Compensation
- Lack of Recognition
- Company Culture
- Business/Product Direction
- Quality of Supervision
- Work Conditions
- Family Circumstances
- Career Advancement Opportunity
- Other: _____

Before making your decision to leave, did you investigate other options that would enable you to stay?

- Yes
- No

If yes, please describe the options:

What did you like most about your job?

What did you like least about your job?

How would you rate the following in relation to your job?	Excellent	Good	Fair	Poor
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Cooperation within your department					
Cooperation with other departments					
Communication within your department					
Morale within your department					
Morale within the organization					
Job satisfaction					
Training opportunities					
Growth potential					
How did you feel about your salary and the employee benefits?	Excellent	Good	Fair	Poor	NA
Salary					
Health Benefits					
Retirement Plan					
Life Insurance					
PTO (Paid Time Off)					
STD/LTD Plans					
Other					

Are there any benefit(s) you would like to have been offered?

- Yes
- No

If yes, please describe the benefit(s):

Would you recommend this organization to others?

- Yes
- No

If no, please describe why not:

What do you feel we can do to improve our work environment?

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Signature of Employee

Date

Signature of HR Representative

Date

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VOLUNTARY TERMINATION CHECKLIST

Employee Name:	Department:	Date of Separation:
Job Title:	Supervisor:	

- Personnel Action Form Completed
- Resignation Letter from Employee (if applicable)
- Communicate the separation to co-workers and to relevant individuals outside the organization
- Insurance:
 - COBRA notice (must be mailed)
 - Benefits Conversion Info
 - HIPAA
- Retirement Plan Conversions/Transfers
- Telephone ID Code
- Retirement Plan
- Forwarding Address
- Security Clearance
- Return Employee Handbook
- Return Supervisor's Manuals
- Exit Interview Form
- Notify IT to Change Computer Password and Access Authorization Codes
- Expense Advances Repaid to Company
- Outstanding Expense Reports Due Employee
- Company Property Returned: (See Company Property Receipt)
 - Keys and Key Cards
 - Cell Phone/Pager
 - Parking Pass
 - Badges
 - Credit Cards
 - Laptop/iPad/Tablet
 - Other _____
- Exit Interview Questionnaire Completed

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INVOLUNTARY SEPARATIONS (INCLUDING LAYOFFS)

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TEN TIPS FOR MANAGING EMPLOYEE TERMINATIONS

Terminating an employee is never easy. It's a sensitive process that must be handled with care, professionalism, and compliance. These ten tips provide a structured, respectful approach to employee terminations.

1. Align with Company Policy and Documentation: Before proceeding, confirm that the termination is supported by your organization's policies and documentation:

- Have verbal or written warnings been documented?
- Has the employee been clearly informed about performance concerns?
- Were expectations and timelines for improvement communicated?
- Was the employee given a reasonable opportunity to improve?
- Has HR or legal reviewed the decision?

2. Prepare Your Talking Points: Plan the conversation in advance. Keep the message brief and clear—ideally under five minutes. Focus on the final decision, not the entire history.

Example:

"We've had multiple conversations about your attendance. After our last discussion, you were informed that another absence could result in termination. Since you were absent again without notice, your employment is being terminated, effective immediately. HR is here to walk you through the next steps."

Avoid debating or rehashing incidents during the conversation.

3. Anticipate Reactions: Every employee responds differently to termination. Prepare for potential emotional reactions—shock, anger, silence—and remain calm and consistent.

If the employee becomes agitated, say:

"I understand this is upsetting. The decision is final. We can discuss details at a later time if needed."

4. Choose a Private, Neutral Setting: Conduct the meeting in a private, neutral space—such as a conference room or the HR office—to preserve dignity and confidentiality.

5. Include a Witness: Always have a neutral third party present—preferably from HR or senior leadership—to serve as a witness and provide support if needed.

6. Document Severance and Benefits: If severance or benefit continuation is being offered, provide those details in writing. Ensure the employee understands what to expect next.

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7. Secure Company Systems: Immediately coordinate IT to deactivate system access, change passwords, and protect company data and assets.

8. Collect Company Property: Have a plan to retrieve keys, ID badges, credit cards, or other company property. Provide a discreet envelope if necessary.

9. Plan for Personal Belongings: Ask the employee to schedule a time—preferably outside of business hours—to return and collect personal items, avoiding disruption to other staff.

10. Avoid Empty Promises or Clichés: Avoid saying things like, “I’ll help you find another job,” or, “It’s not the end of the world.” While well-intentioned, they may come off as dismissive or insincere. Focus on respectful closure.

Maintain Confidentiality: Termination details should only be shared on a need-to-know basis. Avoid discussing circumstances in public forums or informal settings (e.g., social events, team meetings). This protects the employee’s privacy and reduces the risk of defamation claims.

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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.:	YES	NO
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?		
See AAIM's Toolkit on Workplace Investigation		

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SAMPLE TERMINATION NOTICE/LETTER (IF APPLICABLE)

Concurrently with our meeting regarding your employment status on (give date), I regret to inform you that your employment with (name of company) is terminated beginning (date)/or immediately.

Discussed in our meeting are the following reasons why employment with our company is terminated:

- *List the reasons for firing the employee. Make bullet points to clarify each reason.*
- *Repeat the details of previous meetings with the employee on his or her behavior.*
- *List the number of employee warning forms or memos the worker received.*
- *Do not forget to include the agenda where you discussed possibility of termination if the inappropriate behavior of the employee continues in previous meetings.*

As of the date of your termination, it is essential that you, (*state anything that needs to be done before termination, such as the return of a company car, returning any company equipment or materials the employee may have at home.*) You can also specify any other administrative paperwork the employee needs to complete, such as daily allowance receipts for travel or expenses the company needs to pay the employee.

Your final day of work will be (date) and it is expected that you will fulfil this entire period as stated in your employee contract (or noted verbally). Regarding your finances (state how you will give the employee's final paycheck. Also include if the employee is entitled to receive any benefits, when those benefits will end and if there is a severance package or remaining holiday pay).

Legalities (Repeat any verbal discussions that we had about terms and conditions, such as nondisclosure. It is also important to remind the employee that they can appeal the decision for termination).

SAMPLE JOB ABANDONMENT LETTER

As of this date, you have been absent from work since [date of last day of work or last day of approved leave]. Because your absence has not been approved and we have not heard from you, we have determined that you have abandoned your position.

In accordance with our policy on job abandonment, we are terminating your employment effective this date. You will receive payment for time worked in the current pay period and for any accrued leave upon a completed review of your leave record. Your final paycheck and statement will be mailed to you.

If there are any extenuating circumstances that prevented you from working or notifying us of the reason for your absence, please notify us in writing no later than [date].

Please call [name, phone number] to arrange for pick up your personal items and return any company property in your possession.

Send certified with a return receipt requested or via proof of mail. Place a copy in the personnel file.

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LAYOFFS

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?		
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?		

TIPS ON CUTTING BACK

Adjusting the number and the qualifications of available employees to best fit the necessary work is a critical part of a manager's job. Adding new people always presents problems but hiring and growing are at least constructive. 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 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.

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Employee Name:	Department:									
Factor:	Rating:									
	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:										

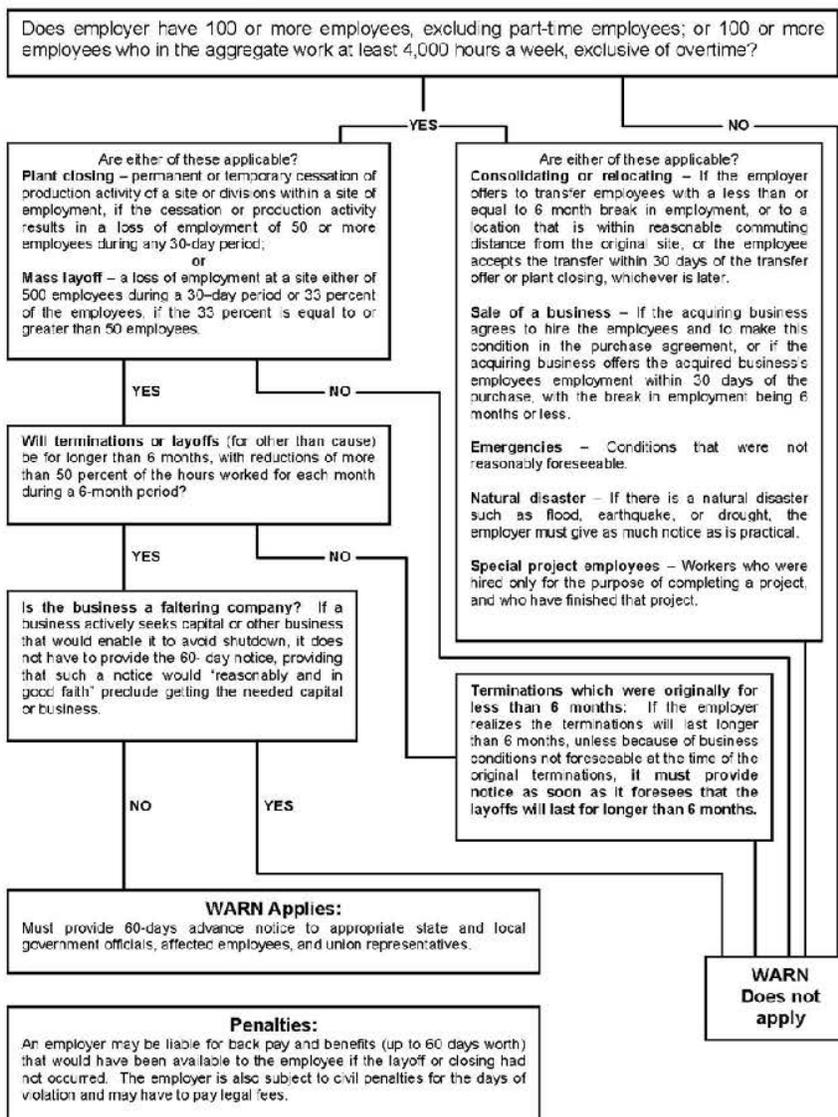
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HR Toolkits



[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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STATE	PLANT CLOSINGS, LAYOFFS & WARN LAWS
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>
Florida	No relevant statutory provisions.
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>
Indiana	No relevant statutory provisions.
Missouri	No relevant statutory provisions.

Source: Wolters Kluwer CCH AnswersNow July 2025

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STATE	WAGE PAYMENT AT TERMINATION
Federal	No relevant statutory provisions.
Florida	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</p>

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	<p>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> <p>"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).</p> <p>Noncompete agreements for low-wage employees prohibited: <i>Illinois Freedom to Work Act.</i> 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).</p>
Indiana	<p>Private and public employers: Whenever any employer separates any employee from the payroll, the unpaid wages or compensation of such employee shall become due and payable at regular pay day for pay period in which separation occurred: Provided, however, That this provision shall not apply to railroads in the payment by them to their employees (Ind Code, Sec. 22-2-9-2).</p> <p>In the event of the suspension of work, as the result of an industrial dispute, the wages and compensation earned and unpaid at the time of such suspension shall become due and payable at the next regular pay day, including, without abatement or reduction, all amounts due all persons whose work has been suspended as a result of such industrial dispute (Ind Code, Sec. 22-2-9-2).</p> <p>If an employee voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee wages owed until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to wage payment requirements until: (1) 10 business days have elapsed after the</p>

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	<p>employee has made a demand for the wages due the employee; or (2) the employee has furnished the employer with the employee's address where the wages may be sent or forwarded (Ind Code, Sec. 22-2-5-1 and 22-2-5-1.1).</p> <p>For purposes of wage claims, the term "wages" means all amounts at which the labor or service rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, or commission basis, or in any other method of calculating such amount (Ind Code, Sec. 22-2-9-1).</p>
Missouri	<p>Private employers: When a person's employment ends, either by discharge (with or without cause) or by the person, firm or corporation refusing to continue to employ the person, the unpaid wages are due and must be payable on the day of the discharge, without abatement or deduction. The employee may request, in writing, that the final wages be sent by mail, in which case the amounts are due within 7 days from the date requested. If the payment fails to reach the station or office where a regular agent is kept within the 7 days, then a penalty for nonpayment of wages applies and continues from the date of the discharge or refusal to further employ, at the same rate until paid; provided, such wages shall not continue more than 60 days (Mo RevStat, Sec. 290.110).</p> <p>Commissions. Final paycheck requirements under Sectin 290.110 above do not apply in the case of an employee whose remuneration for work is based primarily on commissions and whose duties include collection of accounts, care of a stock or merchandise and similar activities and where an audit is necessary or customary in order to determine the net amount due (Mo RevStat, Sec. 290.110).</p> <p>No servant or employee who secretes or absents himself to avoid payment of wages, or who refuses to receive payment when fully tendered, shall be entitled to any benefit under sections 290.110 and 290.120 for such time as the person avoids payment (Mo RevStat, Sec. 290.120).</p> <p>Breach of employment contract: Any such servant or employee whose employment is for a definite period of time, and who is discharged without cause before the expiration of such time, may, in addition to the penalty prescribed by this law, have an action against any such employer for any damages he or she may have sustained by reason of such wrongful discharge, and such action may be joined with an action for unpaid wages and penalty (Mo revStat, Sec. 290.130).</p> <p>Service letters: Corporations with 7 or more employees: If a person who has been employed for at least 90 days and is then discharged or voluntarily quits requests a service letter within a reasonable time (but not later than 1 year following the date of discharge or quitting), it is the duty of the superintendent or manager of the corporation to issue to the employee, within 45 days of the request, a letter, duly signed by such superintendent or manager, setting for the nature and character of the employee to the corporation and the duration of employment, and stating for what cause, if any, the employee was discharged or voluntarily quit such service. The request must be made in writing, by certified mail, and must make specific reference to this statute Section 290.140 (Mo RevStat, Sec. 290.140).</p> <p>Case law: Under <i>Hoffmeyer v. Davco food</i>, if it appears that a vacation pay policy is to pay accrued</p>

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vacation benefits upon termination then it could be found that the right to vacation pay upon termination is a contractual right, and vacation pay would then be warranted (*Hoffmeyer v. Davco food*, MoCtApp 1990, 803 S.W.2d 49).

According to a decision handed down on September 28, 2006, a terminated employee's use of the wage definition contained in §288.036 is misplaced, as that definition is for the purpose of determining the taxable wage base of unemployment claims and is not meant to require vacation wages to be paid upon termination, and so, pursuant to state law, vacation pay does not constitute wages for the purpose of invoking the penalty for unpaid wages upon termination if not a contractual right (*Cotton v. AT&T Operations, Inc.*, USDistCt 2006, 153 LC ¶160,293; 2006 U.S. Dist. LEXIS 70465).

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