

# Managing Terminations: Best Practices for a Seamless Exit



Redstone  
Government Consulting

*Helping You Navigate the Maze of Government Contracting*



**Instructors**  
Jamie Brabston  
Aaron Wilson



# Jamie Brabston, J.D.

Director



CONNECT WITH ME  
**LINKEDIN** 

M. [\(256\) 679-6341](tel:(256)679-6341)

D. [\(256\) 704-9854](tel:(256)704-9854)

Email. [jbrabston@redstonegci.com](mailto:jbrabston@redstonegci.com)

- Background:

- Shareholder Lanier Ford - 1994-2006

- Defended large and small employers, including government contractors, in cases involving sexual harassment, retaliatory discharge, disability, age, religion, race and sex discrimination, FMLA, FLSA and breach of contract

- General Counsel, Vice President of Human Resources, and Corporate Secretary for Digital Fusion, Inc. 2006-2009

- 2009, founded her own employment law compliance business, Practical Employment Solutions, Inc.

- Attorney – Lehr Middlebrooks, Vreeland & Thompson 2013-2017

- BA in English, Political Science and Accounting, The University of Alabama

- Juris Doctorate (Law Degree), The University of Alabama

- Today:

- Director/Senior Legal Consultant with Redstone Government Consulting, Inc.

- Member Alabama State Bar Association



# Aaron Wilson

Senior Managing Consultant



- Background
  - Network Installer and Administrator – 1993-1997
  - Various IT Positions at Madison Research Corporation – 1997-2006
    - Started at the helpdesk, worked up through systems administration, and ended as Director of IT
  - Director of IT at PROJECTXYZ – 2007-2010
  - Founder and Senior Technical Consultant at Teknotic – 2010-2020
    - Specialized in Deltek implementations and IT administration
  - Enterprise SW Architect at Tyonek Native Corporation – 2020-2024
- Today
  - Technical Consultant with Redstone Government Consulting
    - Works with clients' IT groups regularly
    - Specializes in software and database configuration/integration

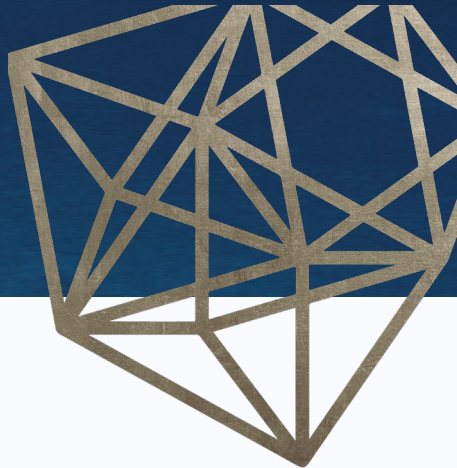
CONNECT WITH ME  
**LINKEDIN** 

M. [\(256\) 652-0653](tel:(256)652-0653)

D. [\(256\) 213-1533](tel:(256)213-1533)

Email. [awilson@redstonegci.com](mailto:awilson@redstonegci.com)

# Termination Decisions



**Who**

**Why**

**When**

**Where**

**How**

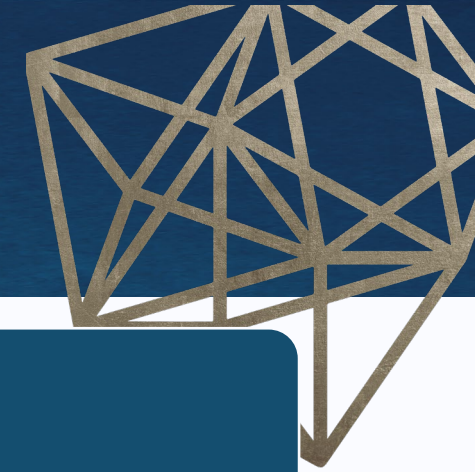


# Why? How did we get here?



- **Discipline/Documentation?**
- **What do your Policies Say?**
- **At-Will Employment vs. Contract**
- **“Probationary Period”**
- **Evaluate Retaliation Risks**
- **Legitimate, Non-Discriminatory, & Non-Retaliatory Reasons**

# Benefits of Effective Documentation



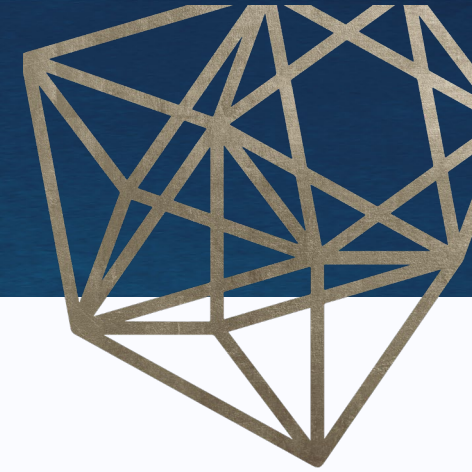
## To Supervisors

- Ensures consistent and progressive steps taken, even if there is a new supervisor during the process.
- Provides more objective, balanced evidence for performance evaluations, etc.
- Provides structure for counseling and education.

## To the Company

- Provides data about effectiveness of policies, procedures, and methods.
- Potentially reduces turnover.
- Improve consistency across different divisions, managers, shifts, etc.
- Unemployment claim defense
- Litigation defense

# Documentation - Emails



- **Emails = Eternity Mail**
- **Don't abandon common sense.**
- **Always remember who you are and what your e-mail represents.**
- **Don't type anything you wouldn't be proud to show judge and jury.**
- **Use them to your advantage**



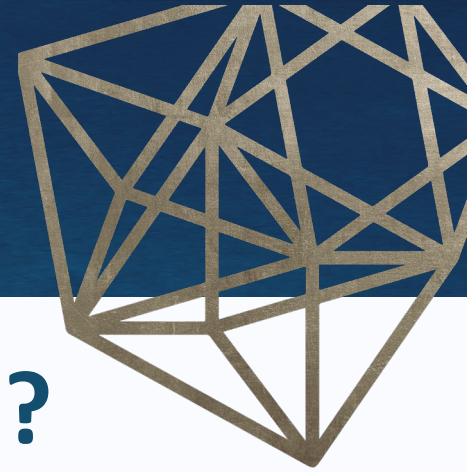
# Timing – When Should You Terminate?



- **Sooner rather than Later – MOST of the Time**
- **Are your Ducks in a Row?**
  - Consider Status of Work & Information Needed for Transition
- **Avoid Retaliation (email may be useful here)**
- **Documentation**
- **Prior Discipline/Counseling**
- **Consistency**
- **Morale**



# Where?



- **Where is the Employee physically located?**
  - Check State Laws!
- **Where will the termination occur – in person/remote?**
- **Who will “attend?”**
- **Is Security needed?**

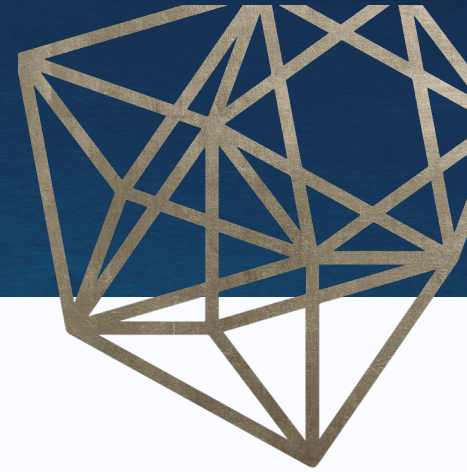
# How? Make a Plan



- **Professionalism and Compassion**
- **Be Firm – Do NOT Argue**
- **Keep it Short**
- **Prepare to be recorded**
- **Will you provide a written form or letter?**
  - Be careful what you say!
  - Unemployment Compensation Claims
- **Severance?**
- **Benefits?**
- **EAP?**



# Sticky Issues



- **Workers Comp/ADA/FMLA**
- **Prime/Customer Requests – Possible Joint Employment Risks**
- **Morale/Confidentiality**
- **It's not just your terminated employees who may create problems**
- **Seek Legal Advice as Needed!**

# Termination Steps for IT



- **Retrieve Company-Owned Equipment**
- **Deactivate Company-Controlled Accounts**
- **Disable Email, Messaging, Phone, etc.**
- **Secure Logins to Unique 3<sup>rd</sup> – Party Services and Sites**
- **Set Aside Computers and Hard Drives**
- **Secure Online Files**
- **Implement Email Responses and Redirections**
- **Ensure Access to Existing Emails**



# Planning Ahead For IT



- **Have and Enforce an Employee IT Use Policy**
- **Implement Regular Backups of Computers and Data**
- **Require Employees Notify IT and HR of External Services They Use**
- **Practice Good IT Security**
  - Grant access to required resources only
  - Grant only the level of access that is required for the job
- **Empower IT With What They Need to Enforce Policy**
  - Sufficient personnel
  - Sufficient training
  - Sufficient monitoring and mitigation tools



# Questions and Discussion







Redstone  
Government Consulting

501 Madison Street SE, Suite 100  
Huntsville, AL 35801  
(256) 704 - 9800



[info@redstonegci.com](mailto:info@redstonegci.com)  
[www.redstonegci.com](http://www.redstonegci.com)

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