

## NOTICE OF TERMINATION

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*Employment Law Reporter, Ervin Cohen & Jessup LLP*

Many employers are not aware that, in addition to the Consolidated Omnibus Reconciliation Act of 1995 (COBRA) notice which must be issued upon termination, certain other documents must be provided to an employee whenever an employer discharges, lays off, or places an employee on a leave of absence. Specifically, Title 22 of the California Code of Regulations §1089-1, requires that each employer provide such an employee with written notice of his or her unemployment insurance benefit rights by delivering a pamphlet entitled "For Your Benefit, California's Program for the Unemployed." These pamphlets can be obtained from the Employment Development Department (EDD) of the State of California.

In addition, the employer must provide written notice regarding the change in the employee's status. The notice should be given by no later than the date of the employee's departure and should contain, at minimum: the name of the employer; the name of the employee; the social security account number of the employee; a statement of whether the action was a discharge, a layoff, a leave of absence or a change in status from employee to independent contractor; and the date that the action was undertaken.

Employers are also required to provide written notification regarding any conversion, disability extension and continuation options under any longterm disability, short-term disability, life insurance, and/or health insurance program pursuant to California Labor Code §2808. This written notification can be given in the form of a brochure which is available from the EDD. Pursuant to California Labor Code §2807, a notice of the requirements for an employee to participate in the Health Insurance Premium Payment Program (HIPP) must also be given to departing employees. This notice can be obtained from the California Department of Health Services.

It should be noted that the requirements established by California and Federal law are separate from, and should not be confused with, the employer's regular policies regarding termination. For example, employers who follow the sound practice of undertaking exit interviews with departing employees should continue to do so, and any documentation created in relation to the exit interview should be separate from the notice documents required by law.