



Termination (New York) Checklist

When preparing for an employee to leave your business voluntarily or involuntarily, there are certain state and federal notices you are required by law to give to the terminating employee.

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New York Termination Toolkit

When preparing for an employee to leave your business voluntarily or involuntarily, there are certain state and federal notices you are required by law to give to the terminating employee. This toolkit provides a list of those documents.

You may notice some of the required documents do not contain a link. When that is the case, there is no specific format required nor does the state offer a template, so we have simply provided a description of the notice requirement.

All forms and notices listed below are required by law, but you may certainly require additional paperwork in your termination process. To help, we provide links at the bottom of the page to some optional documents and information you may find useful.

State Forms and Notices

[Record of Employment \(Form IA 12.3\)](#)—Employers must complete this form and provide it to every employee who quits, is laid off, or is discharged.

In case of temporary separation or any other interruption of continued services, the form must be provided only if the employer believes it may result in more than three days of unemployment.

Notice of Termination—Covered employers must give written notification to terminated employees with the exact date of their termination and the exact date that their benefits will be canceled, within five working days of the termination date. The state does not provide a notice of termination, but employers can use this [sample template](#).

For additional information on any of the above forms or notice requirements, including the definition of “covered employers,” see [New York Separation](#).

New York WARN Act Notice—Covered employers must provide 90 days’ advance written notice to certain parties prior to a plant closing, mass layoff, relocation, or other covered reduction in work hours.

Employers must provide a WARN notice to:

- All affected employees and any employee representatives.
- The New York State Department of Labor (NYDOL).
- The local Workforce Development Board in the locality where the layoff, relocation, or employment loss will occur.
- The chief elected official of any local governments and school districts in the locality where the layoff, relocation, or employment loss will occur.
- Each locality that provides police, firefighting, emergency medical or ambulance services, or other emergency services to the workplace where the plant closing, mass layoff, or relocation will occur.
- Any other individual identified in the act.

The notice must be sent on the employer's letterhead or by the employer's computer system. Additionally, the notice must be signed by an authorized employer representative who can bind the employer and attest to the truth of the information provided.

The WARN rules at [§ 921-2.3](#), list the contents for each WARN notice (the contents of each differ depending on the recipient). The NYDOL also provides the required [Affected Worker Template for Employers](#) and [WARN notice filing instructions](#) found in the Documents tab on the WARN Portal, which employers are encouraged to use.

New York Call Center Jobs Act Notice— Call center employers must notify the New York Labor Commissioner at least 100 days before they either:

- Relocate a call center from New York State to a foreign country or any other state; or
- Reduce call volume handled at call centers in New York State by at least 30%, measured as the call volume of the previous calendar month compared to the average monthly call volume of the previous 12 months, and intend to relocate such operations from New York State to a foreign country or any other state.

For additional information on any of the above notice requirements, including the definition of “covered employers” and the notice requirements and contents, see [New York Layoffs](#).

New York Continuation of Coverage—Covered employers providing a fully insured group health plan must offer continuation coverage to covered employees and beneficiaries upon termination from employment.

For additional information on New York’s continuation coverage rules, including the notice and election requirements, see [New York Continuation of Coverage](#). Note that federal COBRA may or may not also apply.

Federal Forms and Notices

[Continuation of Coverage Notice and Election Form](#) (see the "Regulations" tab)—Covered employers that sponsor a group health plan must provide the covered employee and beneficiaries an election notice in person or by First-Class Mail within 14 days of termination.

For additional information on the above notice requirement, including the definition of “covered employers,” see [GHP: COBRA Health Coverage Continuation](#) for more details.

Worker Adjustment and Retraining Notification Act (WARN Act) —Covered employers must provide at least 60 days’ advance notice of any planned plant closing or mass layoff.

See [Worker Adjustment and Retraining Notification Act \(WARN Act\)](#) for complete details.

Quick Links

The below links contain information that may or may not apply to your company, but are included as resources and may be helpful in your termination process. Many of these items can be downloaded and used as-is or as a starting place to help you create forms, policies, and letters for terminations:

- Termination [Forms](#), [Policies](#), [Letters](#), [Guides](#), [Charts](#), and [Checklists](#)