**Deceased Employee Checklist**

Dealing with the death of an employee is emotionally difficult, but also requires an understanding of how to handle basics like final pay, taxes and benefits. This checklist will guide you through the process.

This checklist focuses on what to do after an employee death occurs at work or offsite. If the medical crisis happens at work, you will follow your normal crisis response process. If you don’t have one already in place, it may be good to put one in place going forward.

**CONTACTING FAMILY**

**If family is not aware of the death**:

* Call the employee’s emergency contact or other known family member as soon as you are aware of a serious medical situation/death. *You can find this information in benefits paperwork, emergency contact paperwork or through the supervisor’s contact list.* It can help to briefly script your call. It can be tempting to wait for “all information” to come in but in this case you do not want to delay.

Make sure your tone is in alignment with the news you are bringing to them, and remember to:

1. Identify yourself, your position and where you work: “My name is Linda Taylor, I’m the Human Resources Director at XYZ Inc. where your husband works.”
2. Ask if they are in a place where they can talk. (This alerts them to sensitive conversation & lets them get to a private space if necessary.)
3. Deliver the news in a concise, slow and understandable manner, bearing in mind that they may not be able to listen with their full attention when they are upset. “I am so sorry, Ms. Jones, but your husband collapsed at work a short time ago, and the EMT have been unable to resuscitate him.”
4. Give them time to absorb the information and ask questions.
5. Acknowledge their emotions and give them follow-up information: “I can’t imagine how you feel, but I want to make sure you can call us whenever you need us.” Ask them if they have a pen and paper or can add your number to their contacts.
6. Ask them if they have someone who can help support them right now. If not, suggest they call a friend or family member. If they have no support person, consider having them call your EAP if it is available for family, or see if the hospital might recommend some supports.
7. If you have information on next steps (where the body is being transported, etc.) provide that information to them.
8. Let them know that you will have a representative meet them at the hospital (if possible).
9. Tell them you know they are in shock and grieving, and that you will call them in a day or two about work-related matters, but they should feel free to call you as well.
10. Repeat important information at the end of the call, as they are likely to be confused and upset.

**If the death is reported to you by family (or other outside source)**:

* Call the employee’s emergency contact or closest family member. If the death was recent, they are not going to be ready to talk. Express sorrow and support and let them know that you will contact them after a few days have passed to talk about benefits and other information, but they may contact you whenever they are ready.

**NOTIFYING STAFF**

* Make all senior staff aware of the death and update the manager of the employee, letting them know that you will provide more information shortly so that they can relay it to staff.
* Notify the manager/staff once you have basic information, specifying that more information will be forthcoming. If certain staff were very close to the employee or witnessed the event, it may be best to let them, or even the department, take the day off with pay.

Provide guidance on supports, and advice on contacting the employee’s family.

(Ex. “We have very upsetting news to deliver. Bob Jones collapsed at work today and passed away at the hospital. We have talked to his family and are working to help them through this period.

We are working with our EAP and will be emailing all employees with some support options. (If you have had time to arrange for an onsite grief counselor, you can make them aware.)

If anyone needs to talk, please contact HR (name). If you need time off today, please let your manager know. We ask that you don’t contact the family until we find out more about their wishes and any funeral plans and will let you know.”

This notification is best done in person or (for larger groups) delivered to managers in person who can then immediately alert their staff. A follow-up email to make sure everyone gets the news may be appropriate.

**BUSINESS CONTINUITY/COMPLIANCE**

* Contact OSHA immediately if death is work-related (1-800-321-OSHA) and notify your Workers Compensation carrier per your standard process. If the carrier must do an investigation, gently prepare staff for this.
* Depending on state law, you may be required to cancel any uncashed paychecks or pending direct deposits in progress and reissue them to the estate. This varies from state to state. In NC/SC, there is no specific rule stating that the check can be provided to a spouse or next of kin; therefore, the check should be stopped and re-issued to the estate. (Details in pay/benefits section.)
* Initiate your normal termination process in the payroll system and for other accounts and logins, terminating benefits, and ensure COBRA paperwork related to health insurance plans and flexible spending accounts is generated and other continuation paperwork is sent to dependents as required. (May be best to delay a few days or to provide when they arrive in person and mail only as back-up).
* Contact your Employee Assistance Program (if you have one). Find out how they can support you (in person meeting, phone calls, pamphlets, advice for your managers). If you do not have an EAP, call hospice or other sources.
* Work with your media department if necessary to announce the death. (Remember to honor the family’s wishes in this area and keep medical information private.)
* Remind the manager to contact clients and others that may be expecting communications from this employee and assign any important work to other staff.
* Work with the manager to determine what should happen with external contacts - Should phones be auto forwarded to the manager?  What about emails?
* Manager should box up all of the employee’s personal office items and secure.
* Work with manager on finding someone to fill in. It can be difficult for staff to see an immediate job posting so, if possible, find some temporary way of handling the role with a temporary staff member who can work in a separate office or cubicle from the deceased worker. Do not designate them as “Bob’s replacement,” just say that until you are able to think about next steps, you are getting some short-term assistance to make sure the department is not over-burdened. The manager should be considerate of feelings, after some time has passed, when announcing that they will be posting for a new staff member to take on the role.
* Review obituaries online to identify any funeral plans if the family has not made you aware at this point. Once you know what the funeral plans are, you may announce them to staff. Remember that staff do not need to know private medical details. You may also arrange for some senior staff/management to be present at the service and consider flower arrangements or other methods of commemorating the employee (depending on your culture, this could be financial support via gofundme or some other designated program – it would be best for any gofundme to be started by someone other than a company representative, scholarship in memory of, memory book from other staff). Be flexible and allow employees to attend service if possible.
* If employees want to send cards/flowers, they should either hold off until you are able to provide the family’s information or you could choose to hold the items until you meet with family in the employee’s office. We recommend not providing the employee’s address to other staff in most cases.

**PAY AND BENEFITS:**

NOTES: Once a person is deceased, unless specific rules or state laws apply, all of their assets (to include issued pay, bank account funds, etc.) are still the possession of the employee’s “estate.” Without this legal process in place, family members would be able to use funds that may not have been intended for them. Therefore, it is often important to identify the administrator of the estate who will be able to provide you with proof (generally letters testamentary) so that you can appropriately address or route any final payments to the bank account designated to this purpose (generally “Estate of: (Deceased’s Name)”

As mentioned previously depending on state law, you may be required to cancel any uncashed paychecks or pending direct deposits in progress and reissue them to the estate. This varies from state to state. In NC/SC, there is no specific rule stating that the check can be provided to a spouse or next of kin; therefore, the check should be stopped and re-issued to the estate. (Details in pay/benefits section.)

Since some of the benefits information included in this discussion may be required by law or policy, you should keep a list or copy of the items that you provide the family, and consider having them sign off to demonstrate you have provided.

* Contact the family (after a few days have passed if you have not yet heard from them) and arrange a time for them to come in (or talk by phone) to review pay and benefits information. These may be two separate meetings if beneficiaries are different from dependents or the estate agent. Let them know that a death certificate may be required, as well as any estate paperwork designating an executor and TIN for the estate. If any company property needs to be returned, make them aware.
* Prepare the following information/documents to discuss with them:
	+ Death benefits or “extra benefits” that might apply to their situation that are attached to employee benefits.
	+ Provide benefits information on health insurance, dental, disability plans, etc. if needed for them to file any final medical or other claims.
	+ Make them aware of when benefits end for dependents on those benefits that COBRA will not apply to (or if they choose not to select COBRA).
	+ Provide COBRA information for dependent health insurance.
	+ Check on level of funds and provide COBRA information for any FSA funds remaining (or be able to explain process and deadline for any reimbursements).
	+ For Life Insurance/Accidental Death and Dismemberment – both company paid and employee paid - make sure you have the forms ready for them. Assist if necessary.
	+ Retirement Accounts – provide forms and assist with paperwork.
	+ Provide information on continuation for any other applicable benefits.
	+ Review any expenses the employee would normally have submitted for (travel, phone, etc.) If possible, find a way to get proof of expenses and ensure those are paid.
	+ If you have not already done so (see note previous), research any state law regarding final pay for deceased employees. Some states may allow payment to a spouse, for example. In NC and SC, there is no such rule, therefore the check ***must be issued*** to the employee’s estate and the estate representative would have to compete a W-9 including the Tax ID number for the estate.
		- You will report this on a 1099-MISC form with “other income” listed in box three to the estate or beneficiary. Always check with your tax expert to verify that rules have not changed. If the payments are subject to FICA (paid before calendar year end), include in Box 3 (Social Security wages) and Box 5 (Medicare wages) of Form W-2, although they are not reported in Box 1 (this is for social security purposes).
	+ Generally, any uncashed paycheck or in process Direct Deposit issued prior to the employee’s death should be canceled, and a new check should be issued in the name of the employee’s estate or beneficiary in any case. The new check should have the same amount withheld for tax purposes as the old check. You will need to work with the family to determine who the estate or beneficiary contact is when you contact the family.
	+ If wages are still owed at the time of death, issue a check made out to the estate of the employee. (Again, you’ll need information from the family to do this.) **Tax Notes:** Final wages paid within the same calendar year in which the employee died are not subject to Federal Income Tax Withholdings (FITW), but they are subject to taxes under the Federal Insurance Contributions Act (FICA) and the Federal Unemployment Tax Act (FUTA). If the wages are paid in the year following the employee’s death, they are not subject to FITW, FICA or FUTA taxes. Always check with your tax expert to ensure rules have not changed.
	+ Provide information about any accrued but unused vacation, sick, PTO and other leave in accordance with state law. If no law exists (as in NC/SC), follow organizational policy.
	+ If you have an EAP that provides any level of service post-termination or death to family members, notify them of the resource to include any guidance on managing estates (for example, making sure social security is notified of the passing), and if no EAP, let them know about hospice and other services for grief counseling. Your role is mainly to facilitate benefits and pay information, so this may be something you just add to “their packet” and mention briefly as a resource.
	+ Let them know about the employee’s private items and share that you are happy to have someone take them out to their vehicle now, or they can let you keep them in the employee’s office until they are ready to pick them up. This may require calling them back at some point if they do not contact you.

**ONGOING SUPPORT FOR STAFF**

**Figure out “where they are”:**Understand that each staff member is different. It may be that employees who are not that close to the employee are extremely distraught (perhaps because of other life issues), yet employees who were close to the worker are able to cope well and are at peace with the employee’s death. Therefore, it is always best to communicate in a neutral fashion and wait for them to communicate their feelings to you (either through their tone, words or expressions) before you try to address their situation. It can be helpful to simply start by either stating a simple fact (I know everyone is going to miss Bob deeply), or by asking them how they have been impacted by the situation.

Some employees may want to talk or grieve openly, others are more comfortable without outward expressions of grief and may not want to talk at all. There is no right way to grieve.

Talk to the manager as well; if there is someone who seems burdened or whose behavior or performance seems to have altered for the worse, reach out to them.

**Make yourself available:** If employees don’t see you around, they may be unlikely to come to your office to talk. Make rounds for a while after the death. If you see an employee on their own, ask how they feel everyone is coping with the death. Then ask them how they are doing.

Let them know you are available or provide outlets for them to talk to others. Your EAP or a local counselor of hospice will be happy to partner with you for onsite discussions or other options for employees.

**Communicate on an ongoing basis:**It is easy to move onto other things, but make sure you are reminding the employees that their co-worker hasn’t been forgotten. Be sure that funeral information and other news is communicated as appropriate.

Check in on the staff and acknowledge anniversaries of the death, at least for the first year.

**Show your support:** This is not a time to stick harshly to rules. Maybe you could permit bereavement leave even though normally you only provide it for close family or choose not to worry about the time off to attend the funeral (even if an employee has been excessive with time off). Maybe you shut down the department for a day.

Consider things that show you care both for the family and the other staff (memory books, memorial gardens, newsletter memorial articles, etc.)

Getting through the death of an employee is a difficult process and emotionally draining for everyone involved, including yourself. Understand that you may need support as well; this could be as simple as taking a half day after the situation to enjoy some time to yourself, or it could be reaching out to your EAP or another source for support.

Written by a Catapult Advisor.