



Mineral



Question of the Week

March 5, 2025

Question

If an employee puts in their notice, can we let them go that day instead of keeping them for the full notice period?

ANSWER

Generally, yes, you can let an employee go that same day unless there is a contract or agreement to the contrary. While you aren't required to retain an employee or provide compensation during a resignation notice period if the employee doesn't work, there are some things you should consider before telling the employee you don't want them to work through their notice period.

First, if you ask the employee to leave before the end of the notice period and don't pay them for that time, the applicable state's unemployment insurance department may consider this an involuntary termination. If you're concerned about that, you can pay the employee through the full notice period but tell them they don't need to come in to work.

Second, ending their employment early could discourage others from giving notice. Other employees may not see the point of providing notice since it appears you're not using that time for skills transfer or project completion. That could become an issue if an employee quitting without notice leaves you unable to deliver on an important project or you're unexpectedly left without anyone who can do certain necessary tasks.

This Q&A does not constitute legal advice and does not address state or local law.