

Wolfe's Do's and Don'ts for Departing Employees*

DO

Assume everything you do on a computer, smartphone, or other electronic device will be recorded and discovered by your employer

Use your own personal computer, smartphone, or other device to communicate with your lawyer or a prospective employer

Keep copies of any agreements you have signed with the company

Keep copies of documents referenced in agreements with the company, e.g. employee handbooks

Consult with your own lawyer

Preserve all potentially relevant emails, voice mails, text messages, instant messages, direct messages (DMs), and other documents (in consultation with your lawyer)

Pack up the personal belongings in your office and take photos of them

Adjust the privacy settings on your social media accounts as needed

Make a record of items you return to the company when you leave (take a photo, get a receipt if possible)

Plan for what you are going to say in an exit interview or if asked about your future plans

Fully disclose to your lawyer all company documents you have transferred to any personal device or account

DON'T

Take company documents with you (except things like your signed agreements)

Open company documents on your personal devices or accounts

Email company documents to your personal email address

Transfer company documents to a USB drive, portable hard drive, Dropbox, Google Drive, etc.

Use a company-issued computer, smartphone, or other device to communicate with your lawyer or a prospective employer

Delete documents that could be relevant if there is a lawsuit

Use any program designed to "wipe" or "clean" your computer etc.

Delete social media posts that could be relevant if there is a lawsuit (but do adjust privacy settings)

Take company property with you

Post things on social media that could be used against you in a lawsuit. To be safe, just don't post *anything* related to the dispute.

Waive attorney-client privilege by disclosing confidential communications with your lawyer

Lie to your employer (but you may decide not to answer certain questions)

**These are only general tips. They may not apply to your situation. Every case is different.*