

So you've been terminated

You walk into your boss' office and she's there with a stranger—somebody from the home office in the personnel department. Your heart jumps up into your throat: “Are they going to fire me?!?!” Unfortunately, the answer is yes.

So what do you do? What should you do?

First, here is some advice that is easy to give but hard to implement: stay calm and go into a self-protective mode. Don't sign *anything*. An easy, reasonable, self-protective thing you could say would be, “Wow. This is very bad news for me. I am going to need some time to process all this.” If you are pressed, be firm: you could say, “I just don't trust myself to make any decisions while I am reacting to this news.”

Hopefully, this approach will buy you some time, say a business day or two. This will give you some time to sit with your thoughts and feelings—a very important thing to do and a topic for another time. You must also make a decision: whether or not you have some sound basis for suing your now former employer. Are you over 40, female, or a member of some other protected class? If you think that you just might have such a basis, run, don't walk, to your lawyer to talk things over.

What if you don't have any basis for a claim against your former employer? Or you may have a basis but it's not a strong one. Or perhaps you have a strong basis but don't have the stomach for suing anybody. There is still something that you can give them that they want from you: a release of any and all claims you might have against your former employer. And in exchange for this release, you may be able to negotiate for some goodies for yourself. Consider the following:

Severance. The company may be willing to pay you a severance benefit. Ask for a number of months that is appropriate given your time of service to the company. Been there a year? Ask for a couple of months. Just got your 25 year watch? Ask for a month for each year of service.

Continuation of Benefits. Your former employer may be willing to pay your health insurance premiums for some months following your termination. Again, ask for an extension of benefits for a period of time that is reasonable given how long you have worked for this employer.

Retention of Equipment. You may have just gotten a new laptop or “smart” phone from the company—ask to retain them in exchange for your release.

Comp Time/Vacation Time. Be sure to get paid for all of this that you may be entitled to.

References/Non-Disparagement. Ask the company to agree with you on exactly what the company will say to anyone investigating you concerning your service with the

company. Try to get as much positive content into this as the company will allow. Ask the company to agree that it will stick strictly to the agreed-upon statement and that it will not speak ill of you. Expect the company to ask you to not speak ill of it. Say yes to make it mutual—that's reasonable.

Unemployment Compensation. Ask your former employer to agree that it will not object to you receiving unemployment compensation as a result of your termination, without regard to whether you resign or are fired.

Outplacement Counseling. Your former employer may be willing to pay for outplacement counseling to assist you in finding your next position. There are many good providers; if you are in the Pittsburgh area, Neal Griebing of Future Design Studio is one of the very best.

Undoubtedly, there are more things you can ask for than just those listed here. Hopefully, my list will stimulate your thinking. What can your former employer give you that will help you look for your next position?

Don't expect to get everything that you ask for. Be prepared to compromise on some things to secure concessions on others.

Don't expect to be real smooth and graceful in these negotiations. Your unease is natural and to be expected. You do not want to be terminated so frequently that you actually become good at this! But by all means, stick up for yourself! The worst that can happen is that your former employer can say, "No." If that's the worst that can happen, you can handle it! Good luck!

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