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IF YOU ARE FIRED . . .

- **Listen and ask questions.** Try to ascertain why you were fired and who was involved in the decision. This information can affect any negotiations or claims that follow. Concede positions only to the extent necessary and appropriate. Also, promptly write down what you were told.
- **Don't agree to or sign anything.** If a severance package is mentioned, ask what it includes and how it applies to you. But don't accept what is offered and don't try to negotiate the terms right away. If you are given a written severance agreement, don't sign it on the spot. (It is unlikely your employer will ask you to do so.)
- **Review applicable benefit, compensation, and severance plans, policies, and statements.** If you don't have everything, ask. Ascertain the effect of your termination on each of these. For example, you may be able to continue or convert medical, disability, or life insurance; you may have a limited time (maybe only 30 days) to exercise stock options; or you may be entitled to some unused leave time. Identify the dates for vesting of any unvested benefits or compensation.
- **Evaluate any severance offered and consider asking for enhancements.** Determine whether the offer is fair and reasonable. After reviewing your plans, etc., consider what enhancements might be appropriate, such as getting more severance pay, bridging to a vesting date, or seeking a full or partial bonus for the year. It doesn't hurt to ask. Consider who may have the authority and inclination to help you and what "buttons" you can push to get a better package, such as fairness, guilt, friendship, or fear of legal claims or adverse publicity.
- **Don't resign.** Your employer may allow you to resign instead of being fired; don't agree to such an arrangement without careful consideration and advice. The circumstances under which you leave your job can affect any potential claims you have, especially under anti-discrimination statutes, and could prevent you from collecting unemployment if not handled properly. On the other hand, properly handled, a "resignation" can be beneficial.
- **Get started on your next job.** If circumstances permit, ask your employer for a written reference or, at least, a statement of its policy for responding to inquiries from prospective employers. Consider whether you could benefit from professional outplacement assistance paid for by your employer. At a minimum, your employer might provide a desk, telephone, voicemail, and/or e-mail while you look for a job.
- **Get help.** Ask the human resources department for any information you need. Get objective advice. Talk to family and friends, especially those having experience with such situations. Consider consulting with a lawyer with experience representing employees. An attorney can help evaluate any legal claims and develop a plan of action; this might include coaching you on who to go to negotiate a better package and what to ask for. (In New York, you could call the National Employment Lawyers Association Referral Service, (212) 819-9450.)