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HR Surprise

By Paperitalo Staff

I'll just start off saying this is not legal advice. However, it is good practical advice that should apply in most situations. If you think the conditions I am about to describe here are even remotely eminent, I would advise you to spend an hour with a qualified employment lawyer in your area now, one who knows all the laws applicable to you, for they vary greatly from place to place.

The scenario is this. You are sitting in your office one morning, when out of the blue you are called over to the administration building, human resources department. Conversely, human resources shows up in your doorway and asks if you have a moment. In either case, they will be very, very polite.

Small talk is quick--they get to the point. For either vague or pointed reasons, you are being terminated. Now.

The human resource person thrusts a document in front of you. This document has provisions for your termination, including, perhaps something about a severance package. They want you to sign it now.

While there may be certain circumstances where it is wise to sign on the spot (you are being accused of theft, moral turpitude or something similar and you know you are guilty), my general comment to you is don't do it. Politely ask if you can have the document reviewed by your lawyer (you may not have one yet, but you will soon so it is OK to say this).

In some legal jurisdictions, you may be able to renounce signing such a document on the spot (since you are obviously signing it under duress) but in most cases, HR, representing the company, is the one in a hurry. The old adage applies: in a negotiation, the one who goes the slowest wins. And you are in a negotiation, for although you may have poured heart and soul into this company for the past thirty years, they are asking for a divorce, and now it is time for you to take the gloves off. It is highly likely you can get more than their first offer, you just need some time and some help. It just complicates matters if you have to unwind a signature you gave them when they popped the surprise on you.

So, what should you get from this company? If you have minded your own business and have a file full of glowing reviews, the salary severance should be something like 1 to 2 months for every year of service. Twenty years--1 year, 8 months to 3 years or so, providing you have an impeccable record. The biggie, though is health insurance coverage, particularly if you or a family member has pre-existing conditions. In the US, COBRA (the standard acronym for coverage for the terminated) is running as high as \$2,000 per month. Get as much of this as you can and get an agreement to "gross it up" that is, have the company pay the taxes on it, if any. In fact, I would say trade salary for COBRA if necessary. You should also receive some sort of outplacement service.

Bottom line, this is simple. Unless the circumstances are extremely unusual, you are most likely better off to drag your feet in negotiations, than succumbing to the first offer thrown in front of you.

If you have such an encounter as painted this week, you have an immediate safety peril. You will most likely leave such an encounter and slide behind the wheel of an automobile. You are distracted. You are vulnerable to a misjudgment resulting in an accident. If you remember nothing else from this column remember you are in an elevated condition of vulnerability under these circumstances.

Be safe and we will talk next week. ##