



Gary Rhodes

Every firing is negotiable

Steven Sack offers some simple advice to anyone who gets fired or laid off during the upcoming holiday season:

Negotiate.

"Every firing is negotiable," says Sack, a New York City labor attorney and author of four books, including "The Employee Rights Handbook" (Facts on File, \$29.98).

"You shouldn't just accept it, bow your head and walk out the door. You might not be able to fight the firing (itself), but you can get your money," advises Sack, who was in Cincinnati late last week on a book tour.

Sack says companies often use the period between Thanksgiving and Dec. 31 to enact staff cutbacks. Why? Vested pensions kick in January 1, and year-end bonuses are usually paid out just before that.

So what should you do if you're handed the proverbial pink slip? Sack offers these tips:

- **Stall for time;** never accept the company's first offer. "Try to appeal to corporate decency and fair play," he says. Note how tough it will be to find gainful employment during and shortly after the holidays. But don't threaten your boss with a lawsuit.

- **Have copies of your personnel file ready,** including any favorable performance reviews and pay raises. You might be able to contest the firing and be rehired, or successfully negotiate more severance than the company is offering.

- **Ask for at least four weeks' severance pay for every year of employment.** You probably won't receive such a generous settlement, but by "high-balling" the offer, you set a higher settlement base.

- **Ask your employer to continue health-care coverage** — at the firm's cost — while you are paid severance.

Sack says you may not win everything, but you'll usually wind up with more than the company first offered.

("The Employee Rights Handbook" isn't available in many bookstores. To order a copy, call 1-800-ALL-BOOK.)

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SACKED!

Try to get better terms, author says

By ED GREGORY

Staff Writer

If you are on the verge of being laid off or just worry about it, it's important to understand your rights before the pink slip arrives, author and labor lawyer Steven Michael Sack advises.

Sack, author of *The Employee Rights Handbook*, says workers need to insist on their legal rights and throw in a few others in negotiating a termination.

"Companies typically fire people suddenly," Sack says. "The American workers do not know that they have the right to negotiate the firing," he said in a recent interview.

ly, hoping that they will bow their heads and shuffle their feet out the door.

"It doesn't have to be that way. People who plan ahead will know how to negotiate and get more benefits."

Sack's book, his sixth, covers employment rights ranging from the initial job interview to negotiating a termination.

Workers who lose their jobs in a massive layoff don't have much room to negotiate, he said, unless they can show that they were treat-

ed differently than others in the group or in previous layoffs.

But workers getting individual layoff or termination notices should be prepared to challenge and negotiate, Sack said.

"Don't scream and threaten litigation right away," he cautioned. "That doesn't solve anything. Appeal to corporate decency and fair play. Remind them of your years of contributions and sacrifice. Tell them about your kid in college."

Some employers might present a prepared letter of resignation for you to sign during that first traumatic discussion of

termination.

"Don't sign it!" Sack said. "If you do, you could be waiving valuable unemployment benefits."

Instead, protect those benefits and negotiate for a letter of recommendation that says your position was eliminated for economic or strategic reasons.

"And don't walk away from the job without having that letter in your hand," Sack said.

Sack said employers are not likely to grant everything you ask for in a dismissal negotiation, but it doesn't hurt to ask. ■

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STEVEN MICHAEL SACK
Labor lawyer