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Law helps when fighting lay-off dragon

Knowledge can ease the impact of dismissal

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When American Express announced plans last month to lay off 2,000 Valley workers, it followed a plan of action orchestrated by federal law, not by chance.

The Worker Adjustment and Retraining Notification Act says employees losing their jobs in a

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massive layoff are entitled to be warned at least 60 days in advance.

The act, which went into effect in February 1989, mainly affects companies with more than 100 employees, although it also pertains to companies planning to lay off 50 or more workers if that number is a third of the work force.

It is one of several laws on the books that employees interested in protecting their rights should know, says Steven Sack, author of "The Employee Rights Handbook" and a labor attorney in New York City.

Otherwise, "there is a good chance you will be exploited, especially in your job and business relationships," he said in a telephone interview.

In the case of the American Express workers whose
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You've been fired

Negotiating strategies to try:

From a practical point of view, a worker has less negotiating power if caught in a massive layoff, says Steven Sack, author of "The Employee Rights Handbook." In general, "every firing is negotiable — particularly if you are female, older or a minority."

Sack's advice:

■ Try to stay on the payroll as long as possible. Ask for extra time to think things over.

■ Negotiate for the employer to continue providing medical, dental and hospitalization coverage while you receive severance wages.

■ Avoid severance pay arrangements for a specified period that automatically cease when you obtain a new job. Try for an offer that is not contingent on new employment or arrange for differential severance to be paid in a lump sum if you get a job before the severance period expires.

■ Recognize that if you receive salary continuation rather than a lump sum payment, you may be ineligible for unemployment benefits until the salary continuation payments cease.

■ Avoid accepting the employer's first offer. Negotiate, negotiate, negotiate.

■ Attempt to get at least four weeks' severance for every year of employment.