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Whether you've been fired or you've decided it's time to go, how you leave is a key step in getting to next.

Gather Key Documents

Before you lose or relinquish access to your desk or company computer, be sure you have copies of all employment documents (including your contract, equity and bonus plans), employee handbooks and manuals, and severance plans. These materials are essential in protecting your rights and your money. However, don't erode your leverage by failing to honor limitations on taking confidential documents off company premises.

Communicate Offline Only

Do not use company email or computers to express job dissatisfaction, to find a new job or to communicate with an attorney. US employees generally have no right of privacy, even when using personal email on a work computer. Important commercial leverage and legal privileges, which attach to conversations that only your lawyer (not your colleagues) should know, can be unwittingly impaired. There is power in deciding precisely when, and how much, if ever, to disclose to your employer during the exit phase.

Proactively Manage Your Reputation

How you position your departure both internally and externally can significantly impact your future career opportunities. It is important to consider both the timing and content of references, internal and external announcements, press statements and public filings. Agreement should be sought over these at an early stage in order to ensure consistent and accurate content that allows you to move on with your career.

Protect Your Licenses

Be vigilant in protecting your professional licenses by taking an active role to ensure that reports your employer must file upon your termination are accurate. Finding a "fix" once an employer has made a filing can be costly to correct, and the deadlines are short.

Multi-jurisdictional Considerations

Employees with dual contracts or who provide services in multiple jurisdictions should consider carefully the rights that may be afforded to them under all applicable local laws to strengthen leverage and maximize benefits.

When to Resign

Resignations can have significant legal and economic impacts on any separation package. Offers to "allow" you to resign, while potentially helpful from a reputational standpoint, should be considered and papered carefully to ensure they are truly in your best interest.

Know Your Rights and How to Press Them

Level the playing field before you speak with company representatives about your exit by getting seasoned professional advice to help you:

- examine the legal implications surrounding your departure
- develop strategies for enhancing your commercial leverage at the negotiating table
- manage any restraints on your post-termination activities
- craft clear separation documentation that protects your rights in tax neutral way.