



WHEN THE AX FALLS WHAT YOU SHOULD KNOW IF YOU'RE VICTIM OF A LAYOFF

By **BRIAN MOORE**

April 7, 2008-- Whether it's part of a mass assault or an honor just for you, getting laid off is one of life's traumatic experiences, right up there with divorce or a death in the family.

And as the economy sours, that's a lesson some city workers are learning all too well. As the dismal job numbers released Friday drive home, what may have been a remote possibility a year ago is becoming, or could soon become, a disturbing reality for many.

"It was horrible. It was so excruciating," recalls Scarsdale-based publicist Judith Lederman of her layoff from Lord & Taylor a month ago. "I have to tell you, I loved my job, and I've never not worked."

No matter how you slice it, getting laid off is miserable. But just as there are right and wrong ways to get a job, there are right and wrong ways to lose one. While playing your cards right won't necessarily lessen the sting of a layoff, it can put you in a better position not only to ease the burden of joblessness but also to help snag a decent job down the road.

So if the boss looks depressed every time he walks out of the CEO's office, or your 15th query about your department's budget is met with the 15th "We'll get back to you on that," take heed of this step-by-step guide to handling what every worker dreads.

* Be prepared: Even if you think your job is as safe as the gold in Fort Knox, human resources experts say it's a good idea to envision yourself being summoned into your boss' office for the old heave-ho.

"Every single one of us should have in the back of our minds, 'What if?'" says Genia Spencer, a managing director of human resources with the staffing firm Randstad. "Having that plan B takes out the fear."

If you run through that nightmarish scenario from time to time, you'll be better prepared than co-workers who think their career paths are a continuing frolic through Candyland.

It's also a good idea to run those worst-case scenarios by your family - it's better for them to be supportive than surprised, says Spencer.

* Be **JACK WEBB**, NOT **JACK NICHOLSON**:

No matter how unjust your layoff may be, when the hammer comes down, you'll do yourself no favors by acting like Russell Crowe with a bum telephone.

"Some people tend to go wild," says Peter Handal, chairman and CEO of Dale Carnegie Associates, the corporate training firm. "Some people really freak out. There's no question about it."

As tempting as it might be to tell the boss off, don't. "Try to be as professional as possible," says Dan Deren, career consultant and managing director of the Lifeboat Group. "We're all grown-ups and we have to deal with this stuff. This can take some gritting of the teeth."

Throwing a tantrum only undercuts your ability to negotiate a severance package and other benefits as well as getting help securing a new job. And word will get around that you're not exactly grace under pressure.

"It's a small world, even in New York City," says Andrew Bernstein, an employment law attorney and partner at Dreier LLP.

* Listen: While you're keeping your mouth shut, keep your ears open. It may be hard to pay attention when all you want to do is cry, but pay attention you must.

"You need to focus on what they're offering you and why," says Ruth Storrings, the human resources director at Alpha Staff Group.

For one thing, you may receive some needed self-improvement tips, no matter how unsolicited. More important, you may get information that will give you leverage if and when you try to negotiate a severance package. Laid-off employees are entitled to hear the reasons why they're being canned, even if they're purely economic, Bernstein says, and can ask all the questions they want.

* STAY OFF YOUR KNEES: While it might be tempting to kiss your boss' feet - or other body parts - once he or she's delivered a corporate "Dear John" letter, you'll be wasting your time if you beg for your job back.

Layoffs are not done lightly, say experts, and supervisors are usually in no position to reverse a decision that was probably made weeks, if not months, earlier. When your number is up, it's not open to negotiation, and "it's critical to not live in denial" of that cold fact, says Spencer.

So making a pitch for how others deserve it more, or how you're indispensable to the company, is ill-advised.

"General de Gaulle said the graveyards are full of indispensable men," notes Deren.

* Don't SIGN ANYTHING: Roberta Chinsky Matuson remembers the horror of getting laid off during the initial bust of the Houston oil boom years ago.

"My boss had me go in and lay off a man with two kids, then 20 minutes later she laid me off," says Matuson, president of Human Resource Solutions. "My first reaction was shock. I had no idea it was coming."

When they outlined her severance package, "I took what they gave me - no questions asked."

Don't make the same mistake.

The consensus among employment lawyers and career experts is you shouldn't immediately sign any severance documents no matter how much pressure is thrown your way. You have every right to take any papers you're given home and review them carefully with your family and, more importantly, your attorney.

"You don't want to make any rash judgments," says Barbara Berra of Lee Hecht Harrison, a division of the HR firm Adecco.

"Take the time to process," agrees Spencer of Randstad. "You don't have to say something right away."

If you're over 40, federal anti-age-discrimination law gives you 21 days to review documents - 45 if you're part of a large layoff - and seven days to rescind your agreement once you've signed, says attorney Jay Warren of Bryan Cave's Manhattan office.

* Negotiate: Once you've settled your nerves and reviewed the paperwork, it could be time to negotiate. But in order to get a better deal, you'll need a little leverage. Surprisingly, in this David vs. Goliath scenario, you may have some. Your main leverage is usually speed.

"They want to see that this is over and done with as quickly as possible," Storrings says. Companies may be willing to engage in a little give-and-take to get you out the door.

But there are other forms of leverage, says Warren. If you believe you've been canned because of your race, age or gender, or because you resisted a boss' amorous advances or took advantage of federally mandated family or disability leave, then you may - may - have plenty of leverage, if these things are provable.

If you don't have a lawsuit up your sleeve, there could be some soft leverage available to you. If you've built up goodwill over the years, use that, says Warren. And if you have expertise and experience the company might want to tap at a later date, a willingness to share could give you an advantage.

Research what the company's severance policy is and whether it's been adhered to across the board. If someone with a similar title, tenure and salary is getting more, ask for the difference, says Matuson.

Keep in mind, though, that unless you have an employment contract or are a party to a collective bargaining agreement, you're not guaranteed a thing. And whatever severance you end up with, it will often come with strings attached.

"Nobody just gives away money," says Bernstein. "They want something back."

You might be asked waive any legal claims against the company; such waivers, if worded correctly, are legal kryptonite against lawsuits, says Bernstein. You also might be prohibited from working for a competitor for a period of time, soliciting your old company's clients or saying anything about the company to the press.

* CONSIDER OTHER BARGAINING CHIPS: "If there's not a lot of leverage on severance pay, there could be a lot more flexibility on the fringes," notes Handal of Dale Carnegie.

Deren, the career consultant, suggests asking your company to let you work through your severance period so you can say you're employed as you search for a new job. A company may be more willing to do this if your layoff isn't performance-related, Spencer notes, and they may be even more amenable if you offer to help them, say, finish a project you had been working on while you look for work.

If your employer won't budge on severance or work privileges, ask if you can continue as a contract worker or a consultant. See if they'll give you office space and a phone for a set period. Obtain a written recommendation, or, better yet, offer to write one yourself and have your old supervisor sign it. Ask the company to pay for your health insurance for a few months, or see if they'll pay you for unused vacation days.

The worst answer you'll get is "no."

Many companies have outplacement services where career counselors and "message experts" - folks who teach you how to break the news to your family - are provided. High level executives often get these services on an individual basis, but some firms offer similar programs for folks lower on the totem pole. You can often work out the length of the service based on your old salary, with a good formula being one month for every ten grand, says Spencer.

Conversely, you can ask to trade those benefits or limit your time on unemployment in exchange for more severance, though some companies are loath to do so.

All this will make your head spin, of course. Losing a job is a traumatic and complicated process, but Handal says to look at it as a transfer into another field: you've just been hired to market yourself.