

Article Published in *Lifestyles Magazine*- June 2004

Protecting Your Legal Rights-Negotiating a Separation Package

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Knowing what to consider in the negotiation of a separation package is the key to making a successful financial exit from your employer. In particular, you need to consider the realistic value of the separation package. The answer to this question will largely depend on the reason for the separation, your position with the company and length of service. However, another factor that greatly influences the value of the package is whether the employer has committed any violation of state or federal laws during the relationship. These laws include violations of state and federal discrimination laws including Title VII which prevents discrimination based on gender, race, religion or national origin. The Age Discrimination in Employment Act which protects individuals over 40 years of age from wrongful termination and the Americans With Disabilities Act which protects an employee with a permanent disability.

If you suspect that any of your rights have been violated your potential damages should be evaluated before the package is negotiated. Also, before the package is finalized, you should consider how the money will be paid whether in a lump sum or over time. This is especially true if the company is having financial difficulties, if continued services will allow the accrual of benefits or pension rights or if any term of the agreement could prevent further payments such as the violation of a restrictive covenant regarding future employment. Other considerations include final pay issues such as vacation, commissions and bonus. Finally, once you are presented with the proposed separation package, be sure that all terms of the agreement are included. This is especially true if you are required to sign a general release of all claims. Because this is only a brief discussion of the many considerations involved in the negotiation of a separation agreement, it is highly recommended that you seek the assistance of legal counsel. For further information, please visit my web site at www.joettedoran.com

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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