



# The FindLaw Guide to Job Loss:

WHAT TO DO AFTER LOSING YOUR JOB

# The FindLaw Guide to Job Loss: What to Do After Losing a Job

Losing a job is stressful and can affect not just you, but your whole family. If you have lost your job, do you know what your legal rights are? Here is some information that can help.

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## Introduction

Times are tough. The economy may be on the mend, but jobs are still difficult to come by and can be difficult to hold. You or someone you know may have been laid-off or even fired during these difficult economic times.

But what do you do when you have been let go? Do you know if your dismissal was legal, or did your employer cut corners in a way that may have violated your rights? This is where FindLaw and its directory of attorneys can help you out.

Most people know about [racial discrimination](#) and [sexual harassment](#), but you should know that you have many more rights with respect to your job such as the right to receive a final paycheck, continue health insurance coverage, and receive unemployment compensation benefits.

## Wrongful Termination

Most employment is “at will” meaning that an employee can be terminated at any time and for almost any reason. Still, there may be situations where a termination is illegal such as a termination that:

- Is contrary to an employment agreement like one that grants tenure or specifies the situations where one can be let go.
- Violates federal or state anti-discrimination laws like those that prohibit discrimination based on race, color, age, national origin, disability, and religion.
- Retaliates against employees for exercising their rights like reporting unlawful activities or dangerous work conditions.

If you were terminated and believe that you may have lost your job for an unlawful reason, you may have a right to bring a claim for wrongful termination against your former employer. Legal remedies that may be available to you include money damages and possibly getting your job back. If you believe you have been terminated for an unlawful reason, talk to an attorney. FindLaw can help get you started.

## Receiving Your Final Paycheck and Severance

An employee is entitled to a final paycheck and may be entitled to severance pay. State laws require an employer to give an employee a final paycheck either on the same day as the termination or within a certain number of days. In addition, employees may be entitled to unused vacation time. If your employer doesn't give you your final paycheck or is late paying it, you may be entitled to damages.

In addition, an employee may receive additional compensation in a severance package. Whether an employee is entitled to severance pay usually depends on the terms of any employment contract or agreement entered into upon termination. Oftentimes, employers and employees will enter into



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an agreement that the outgoing employee receives a severance in exchange for agreeing not to sue the employer for wrongful termination or related legal claims.

You may want to speak with an employment attorney if you have not received all of your pay or are negotiating a severance agreement.

**STOP**

### Should I Talk to an Attorney?

If you are involved in specific employment dispute, or need advice about an employment-related matter, you may need to speak with an employment lawyer. An effective employment lawyer can help educate you on state and federal laws concerning wrongful termination, wage disputes, whistleblower protections, and other employment-related matters. Knowing when to contact or hire an employment lawyer can make the difference between satisfactory recovery of lost time, money, and damages, and never getting compensated for your loss.

You can locate an employment lawyer now by visiting [www.findlaw.com](http://www.findlaw.com) and choosing among several quality-assured lawyers in your area.

## Filing for Unemployment Insurance

After losing a job, you can apply for unemployment compensation. Generally, unemployed workers may be eligible for the benefits if they were not terminated for misconduct, have been employed for some length of time, earned a certain amount of wages, and are looking for work and capable of working immediately. Check with the unemployment agency in your state to determine specific eligibility requirements and how to apply for benefits.

## For More Information

Regarding job loss and other employment related issues, please visit our website at <http://employment.findlaw.com>

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## Continuing Healthcare Coverage

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, former employees have the right to continue healthcare coverage for up to 18 months (sometimes longer if a plan participant has a disability) under the employer's plan. The former employee must pay the full premium, but this cost is usually less than obtaining coverage on your own. Within 45 days after losing a job, the former employee should receive an "election notice" and will have 60 days to elect coverage. If you have not received a notice of your COBRA rights or have not been given an opportunity to elect coverage, you may want to speak with an employment attorney.



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