

Legal Notes: January 2017

First aid. What you do before you see a professional, such as a doctor. This article is first of a series about legal first aid - what you need to do before calling the lawyer.

Losing your job. Usually comes out of the blue and is a shock. The HR person calls you into her office. There's someone else sitting there ("the witness"). You can't remember much after the HR person gives you the requisite euphemism ("we're going a different direction" or "this just isn't a good fit any longer") or gives it to you straight ("you're fired").

First, try to remember what is being said. Take notes if you have to (although they may object to a recording). Don't say much. It isn't the time to argue as the company has already made up its mind about firing you. You will be asked about what is said at this meeting. A lawyer will ask you. The unemployment insurance judge will ask you.

Next, ask for a copy of your personnel file. You have a right to the file under Wisconsin law. It will make the HR person nervous if you ask (turnabout is fair play after all). You may not need it, and it will have a lot of junk, but there may be something useful in there, stuff you didn't even know about.

Next, ask about health insurance (assuming your employer was providing coverage). They probably won't have anything with them, but you need to know how quickly the COBRA paperwork is coming and who is sending it (the employer, an insurance company). Having a gap in health insurance coverage can be ruinous.

Next, get your personal belongings. Don't bother asking for any access to your computer, to get e-mail messages or the like, they will presume that you'll sabotage the computer. Be polite. The person watching over you is likely as unhappy about doing so as you are about leaving. Some companies use a security guard as an escort - don't take it personally. Walk out with a big smile - that is the best revenge.

Finally, talk to a lawyer. People fire in Wisconsin don't have many rights, but they do have some. Timelines can be short. It doesn't hurt to check, especially if you are in a highly regulated industry, such as a nursing homes, or are a public employee.