

Resignation

Are you considering resigning from your job? Do you feel that you have no alternative but to resign? If so, we can assist you and guide you through the process.

If you are considering resigning from your job there are several factors to be considered. Some of these include:

- (a) What is the best time to resign for you and your family?
- (b) Do you know how much notice you must provide to your employer?
- (c) Are you due to get a bonus? If so, must you be employed on the date bonuses are distributed to receive it?
- (d) Is your family's health insurance through your employer? If so, do you know your rights to COBRA or do you intend to obtain health insurance from a new employer?
- (e) Have you signed anything that will restrict your future employment like a non-compete agreement, confidentiality agreement or inventions agreement?
- (f) Do you have any issues to resolve with your employer prior to your departing?
- (g) Have you already obtained alternate employment?
- (h) Are you resigning for new employment, to make a lifestyle change or because your employer is pressuring you to leave?

Resigning from your job may preclude you from obtaining unemployment benefits. This is not the case in all situations. The reasons for your resignation will help determine whether you are entitled to these benefits. For example, if your

employer has made your employment so intolerable that you are getting physically sick, you may have no alternative but to leave your employment and thus, may be entitled to unemployment benefits despite the fact that you "resigned".

Prior to resigning from your employment it is important that you understand your legal rights. Has your employer mistreated you? Does your employer promised you items that you have not received? Are you currently involved in any ongoing projects that your employer still needs you to assist on? Are you an important witness in a case your employer is presently involved in? These are some questions that should be contemplated as they may provide you with leverage to negotiate the terms of your departure and possibly even a severance package.

It is also essential to understand any obligations that you may have agreed to. Prior to resigning you should obtain and review any documents that you signed so that you are clear as to whether there are any restrictions on your future – are you precluded from working for a competitor? Do you have a garden leave provision? Did you agree to continued confidentiality and/or cooperation with your soon to be former employer?

When resigning from your job, it may be in your (and your family's) best interest to speak with an attorney. Careful consideration is put into resigning from your job. The same careful consideration should be put into how you resign. We can help you do this. Our office can guide you through the resignation process. We can also review pertinent documents prior to your resigning to help you avoid issues in your future.

If you are interested in having us assist you with this process, please contact our office to schedule a time to speak.