Tips For Employees Facing Termination

1. Remember that Illinois is an employment at-will state, which means that your employer may terminate you for any reason at all, other than an illegal reason.

2. Keep a diary about the behavior that you believe is inappropriate. Try to take those notes immediately after the events happen and keep those notes at home in a safe place. Include the names and phone numbers of potential witnesses.

3. If you think that you are about to be fired, take home your employee handbook, commendations, or other things that belong to you that won’t be noticed by co-workers if you remove them. On the other hand, do not delete anything from your computer, or remove anything from the workplace that does not belong to you. Do not access records that you are not authorized to access.

4. While you are employed and up to one year from your separation from that employer, if your employer maintains personnel files, you are entitled to review your personnel records upon submitting a written request pursuant to the Illinois Personnel Records Review Act, 820 ILCS 40/1 et seq.

5. If you believe that the termination or other conduct by your employer or co-workers was illegal, remember that deadlines (known as statutes of limitations) apply, which means that claims must be filed within a specified period of time or the claim may no longer be actionable.

6. If your employer tells you that you will be fired if you do not resign, even if you opt to resign in lieu of being fired, you will most likely be entitled to unemployment compensation – unless you have engaged in certain misconduct.

7. If you are over 40, your employer cannot force you to sign a release in exchange for severance without 21 days to consider it under the Older Workers Benefit Protection Act.

8. Illinois employers must give you your vacation pay that you have accrued but not used when you quit or are fired pursuant to the Illinois Wage Payment and Collection Act, 820 ILCS 115/5.

9. When filling out job applications or interviewing, do not lie about the termination or reflect negatively on your prior employer. Be honest and brief. Lying on a job application is grounds for dismissal at any time in the future.

10. Do not just wait to be fired. Be informed about your rights. You cannot take advantage of the laws that protect you unless you learn about them.