LEGAL CONCERNS ABOUT YOUR JOB? LAWYER REFERRAL CAN LEAD TO HELP FOR EMPLOYMENT PROBLEMS

CHICAGO, June 14, 2001 – Fired. Terminated. Let go. Downsized. Not renewing your option. No matter how it’s phrased, losing your job is never pleasant. When it seems unjust, or when concerns about benefits have not been adequately addressed, it is advisable to consult a lawyer.

Not every unjust or unfair employment action is illegal. However, “there are numerous employment law issues, from hiring to firing, to pension benefits and workers’ compensation, in which employees could benefit from the counsel of a qualified lawyer,” says Mark Dichter, chair of the American Bar Association Section of Labor and Employment Law.

Of the more than 10 million inquiries to state and local bar association sponsored Lawyer Referral services annually, family law and employment law are among the most frequently cited areas of law.

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“If you’re a typical employee, interpreting the documents pertaining to your employment, such as contracts and pension benefits, can be a real challenge,” notes Dichter. “That’s why it’s recommended that you consult a lawyer with any legal concerns you have about your job.”

There are numerous laws to protect employees, including those prohibiting discrimination based on race, gender, nationality, religion, age, disability, being a “whistleblower,” and other circumstances. For some employees, union contracts or civil service laws may offer other protections.

But that doesn’t mean you can successfully challenge your termination, even if it seems to be unfair. “Just as you can quit your job at will, the converse is true for employers. Unless you have an employment contract, an employer generally can terminate your employment ‘at will,’ as long as the decision does not violate a specific discrimination law or other employee protection,” explains Dichter.

Pension plans and other health and retirement plans are another area of great confusion to employees, Dichter says. What you are entitled to isn’t always clear. “Vesting” refers to whether you have a right to receive retirement plan money if your employment is terminated.

Generally, money you contribute to a retirement account, such as a 401(k), is yours to keep or to roll into an IRA or a new 401(k) with your new employer. Vesting is not an issue. But money your employer contributes to a retirement plan is only “vested” after a certain length of employment, usually five years.
EMPLOYMENT, Add Two

If your employer goes bankrupt, you shouldn’t lose your retirement money or your vested retirement benefits. The law requires your employer to keep retirement money separate from the employer’s own funds.

To find a lawyer with experience in employment law issues or any other type of law, visit the ABA’s Web site, at www.abanet.org/referral, for a listing of more than 300 Lawyer Referral programs throughout the country, or check your local Yellow Pages® under Lawyer Referral.

Lawyers who are registered with the Lawyer Referral program are in good standing with their state licensing authority and are considered qualified in their areas of practice. Callers to the referral program will speak with trained staff persons who will determine the nature of the legal questions at hand and will suggest lawyers who can answer them.

A caller referred to a lawyer by the service is entitled to a half-hour initial consultation at no charge or for a nominal fee, typically $30 or less, that helps to fund the local Lawyer Referral program. If additional legal services are needed, the client has the option to hire the lawyer at regular rates.

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