

Help! Save My Career!

By Donald Asher, America's Job Search Guru

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Dear Guru Don:

My last employer fired me from my job as a software sales engineer. They claimed I was falsifying expense reports, and I wasn't. I flat out did *not* do anything that wasn't clearly within the bounds of company practice, and I didn't do anything that I had not observed others do as well, many times, and none of them got fired. I have a clear-cut case of wrongful termination, and I am thinking about getting a lawyer. I am extremely worried about replacing this job. Finally, I'm prematurely grey on top, in a field that worships the young and the new. I'm only 35! So, should I dye my hair?

Sign me,

Worried Face in My Mirror

Dear Worried Face:

I think you should be worried! You are suffering from more than a bad hair day. You are suffering from delusions about your situation. These dangerous ideas are about to cause you to jump off of a perfectly good bridge without a working set of bungee cords, my friend. You are surrounded by danger, and what you see as the safe route is in fact the most treacherous of all. Don't jump! By which I mean, Don't sue!

Let us lay to rest this whole idea about suing your former employer. I have been in the career business long enough to get grey hair that is not premature in any way, and I have heard many clients say your words, "I have an ironclad case of wrongful termination," or "I am going to sue these [insert euphemism here] and own the company before I'm through." Only one client prevailed, and in almost every case the plaintiff's career was seriously damaged.

If you sue someone you will have to focus on the past for years. A quick piece of litigation is two years, and these actions can last five, six, even seven years. So instead of having a forward-leaning career, you are rehashing the past, going to depositions, responding to queries from your lawyer, ad obnoxium.

Oh, and you'll probably have to pay for all this up front. That's a lot of investment in self-righteousness. My lawyer calls litigation "the sport of kings," because you need a king's treasury to finance it.

The fact is the law favors employers in these types of cases. Stop whining. Just get over it and move forward.

You think you have a good case? I had a guy whose superior attacked him in his own office, punched him in the face, and tried to choke him to death. And they fired him, not the boss. He sued. He lost. The company had some terrified administrative assistant testify that she “heard a commotion” and ran into the room and found the men locked in combat, but she had no idea who started it. Think of the NFL replay rule: This is not enough to overrule the ruling on the field.

Here’s another case you’d think would win in court: A woman marketing executive complained to her boss about his habit of snorting cocaine off his desk and having sex in his office with his eighteen-year-old bride he had recently picked up in a strip club. He told her to mind her own business. So the executive quit her job and sued. She lost. She forgot to have witnesses and other incontrovertible evidence to back up her outlandish claims. He showed up in court, clean shaven and in a suit, temporarily sober, and denied everything. And his blushing bride looked fabulous, and was appropriately shocked, I mean *shocked*, at these outrageous accusations.

By the way, what were you doing with these expense reports, anyway? Trying to get reimbursed for trolling in strip clubs for a bride? You can’t imagine what a trained defense lawyer will do to your image and reputation before this case is over. If you turned in an inflated receipt for a cab ride eight years ago, they’ll produce that actual cabbie to complain that you undertipped him. So be ready.

What is the one and only case that one of my clients won? A woman was fired for becoming pregnant. She sued, and she won. It took seven years. So, maybe you could plan ahead, get pregnant next time, and you’ll have a better case. By the way, here’s what my lawyer made me put into this article: Donald Asher is not a lawyer, and you should seek legal advice from a lawyer licensed in your state, and men usually can’t become pregnant, and you probably should not try this at home.

Okay, so here’s my advice on how to save your career: Write to human resources and protest the terms of your separation, and demand a positive reference and a statement that you left the company voluntarily. If they decline that, have your attorney write a letter demanding that they give a neutral reference or be ready to compensate you for damage to your career, and point out that since you intend to work until you’re 75, that’s a lot of potential damages. However, do not, I repeat, do *not* sue under the conditions you have described in your letter.

Then, find a friend at the company who will be a positive reference for you if called at home, at night. If you don’t have any friends like this, you deserve to have been fired in the first place.

Finally, dye your hair blond and spike it out. Go for cool. Don’t look like a guy who’s hiding his age, but like a guy who’s too sexy for his hat.

Then get busy finding another job and focusing on your future.

My best wishes for your continued success,

Donald Asher

Send your career emergency to don@donaldasher.com, and watch this space for his response.

BIO: Donald Asher is a nationally known writer and speaker on careers and higher education. He is the author of eleven books, including *Cracking the Hidden Job Market*; *How to Get Any Job: Life Launch and Re-Launch for Everyone Under 30*; *Graduate Admissions Essays*, the best-selling guide to the graduate admissions process; *Asher's Bible of Executive Resumes*; *Cool Colleges for the Hyper-Intelligent, Self-Directed, Late Blooming, and Just Plain Different*; and *Who Gets Promoted, Who Doesn't, and Why* (named Business Book of the Year 2008). Asher speaks over 100 days a year from coast to coast, to college and corporate audiences. He is eager to hear your career emergency.

Career Tip of the Month

Don't litigate, strategize! Consult an attorney at the first hint of trouble at work, not as a last resort, and check out Nolo Press's *Your Rights in the Workplace* to know where you stand.