



Lamp Lighter

Volume I Issue 3

JUNE 2009

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Mission Statement

The ETP Monthly Newsletter, Lamp Lighter, is written by ETP member volunteers who are sharing their unique experiences and timely topics with the ETP membership.

Contact Information

Contact us with your comments and suggestions at lamplighter@etpnetwork.com

Contributing Volunteer Staff

- | | |
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Feel free to volunteer and be part of our team just drop us an email at lamplighter@etpnetwork.com

Send your comments, ideas and questions to: lamplighter@etpnetwork.com
Feel free to volunteer - join the staff - send us your contact information at lamplighter@etpnetwork.com



Welcome Message

Courage is not the lack of fear. It is acting in spite of it. ~Mark Twain

Courage doesn't always roar. Sometimes courage is the little voice at the end of the day that says I'll try again tomorrow. ~Mary Anne Radmacher

This issue of the Lamplighter is dedicated to all our brave members that have displayed courage. If you type "[Empowering Today's Professionals \(ETP\) Network](#)" into [Google](#) you will see evidence that it has established itself as the #1 global beacon other associations and organizations are referring people to as that safe haven of choice. The buzz you will read about is the result of small courageous actions.

In 2004 it took a tremendous amount of courage for Rod Colon to stand up, when others remained seated, as corporate strategies created unemployment as collateral damage. Rod courageously issued Kevlar vests of self empowering information for allowing career professionals to persevere, improvise, adapt and overcome the new way corporations do business. With radical ideas like "**being the CEO of ME, Inc.**", "**being a business owner of your career**" or "**establishing a personal board of directors**", [ETP Network](#) members slowly develop mental toughness. The irony is any [ETP Network](#) member who has embraced these principles and taken a little action everyday, has landed a job or business opportunity quicker.

"**Courage**" is the operative fuel that drives the [ETP Network](#). Our Board of Advisors show courage in challenging senior leaders to make sure all education programs position all members for success. The brave [ETP Network](#) leaders who coordinate events stand on the wall of fear. They extend their hand to lift people over that wall with "**welcome - how can I help you?**". Members on the weekly conference are truly courageous heroes for making this decision. Associate members who upgrade to [Platinum membership](#) make a courageous decision in trusting the proven fact the additional [ETP Network Platinum benefits](#) sway the odds in their favor for landing opportunities quicker.

Just to get out of bed in the morning to take a little action with "[7 Steps Job Search](#)" is the most courageous thing each [ETP Network](#) member can do. Networking with other members also takes courage. We applaud you in stepping up and stepping out to take care of your personal board of directors. [ETP Network](#) works for any member who works the educational system.

The lamplighter team is the most courageous for presenting articles that inform and inspire. They steal a little time from personal and business commitments to share experiences that help all [ETP Network](#) members succeed. Thank you Lamplighter team.

Be courageous today. Share www.etpnetwork.com with someone you care about. Thank your personal board of directors for having the courage to support you.

[Carl E. Reid](#), CSI

Chief Operations Officer

Empowering Today's Professionals (ETP) Network

Link to References used in this article: <http://www.etpnetwork.com/>



**Calendar
June & July 2009**

Group Leaders feel free to contact us with your group's schedule at lamplighter@etpnetwork.com
See ETP Network event web page for more information

JUNE 2009

JUNE 1st - Free ETP Platinum Member Advanced Training conference call.

JUNE 2nd - New!! MerNet Networking event - Free

JUNE 4th - Job Networking Breakfast "SIFMA DMD Job Networking Educational Event"

JUNE 8th - Northern Bergen County Networking Group (NBCNG) Meeting - Free

JUNE 17th - Central NJ Networking Group Meeting

JUNE 25th - Jersey Shore Networking Group – Free

JULY 2009

JULY 13th - Northern Bergen County Networking Group (NBCNG) Meeting - Free



Coming Soon!!! From the ETP Network

- ETP Career Help Desk*
- Rod Colon's New Book titled:
Win the Race for 21st Century Jobs
Put CEO Power Into Your Job Search & Own Your Career
- ETP Grievance Center*
- Coach Rod's Workshop (Sept 09)
- Don Gabor and Rod Colon Small Talk (Oct 09)
- ETP New Networking Locations:
 - MerNet Networking Group (June 09)

*See <http://www.etpnetwork.com> for details
as they become available.



How To Improve Your Professional 'Value Add'

By Joe Auerbach

As most of us ETP members are "in transition", I would suspect that we find ourselves with a little more time on our hands than we had planned. Even though we believe that getting that next position is a full-time job in itself, it's important to step back and realize that there should also be some "CEO upgrade" time allocated, whereby you spend a certain amount of time either working to either learn a new skill or upgrade a skill that you already have. This serves a couple of purposes: A: It gives you a chance to focus on something else for a bit B: It will improve your marketability C: Most people enjoy the challenge of learning things

(If this doesn't apply to you, please feel free to skip the rest of this article, maybe work on solving Rod's crossword puzzle?). While most of what I will describe is IT-related, given my background, the ideas, if not the specifics, should apply to other fields; I just can't give you the specifics for those.

In our hurry-up world, everything is evolving, and those that don't at least try to keep up and change as well soon find themselves relegated to the backwaters, or working on old-fashioned systems or applications. Let me say, however, that this is not inherently bad, if that's what you feel comfortable with (I had a colleague a while ago who couldn't get himself to believe that this new-fangled PC 'stuff' was more than a fad, which would certainly fail before the almighty mainframe, so that COBOL and CICS were the most recent things he had learned. Needless to say, other than a spurt of contract maintenance work leading up to Y2K, there wasn't much for him to do, and he eventually bought a dairy farm in upstate New York, where he deals more literally with the 'stuff' that we face more figuratively). However, for most of us with an active pulse, the need to stay current as well as learn new approaches is important for our professional lives.

One of the long-running controversies in the field has been the value of certifications, such as MSCE/MCSA, CNE, CCIE, etc., and while I'm not going to pretend to have the definitive answer, the fact is that employers, whether companies, consulting firms or other, view a certification as an indication that you have at least some level of fluency in the area, as shown by the alphabet soup listed as job requirements in so many job descriptions (I can just hear the shouts of 'paper MCSE', or 'paper CNE' in the background, but let's try to take things at face value for the purpose of this discussion - we know that there are those who prep to take the test, without the experience behind it, and the shortcomings show themselves soon enough on the field of battle). Since those of us in transition typically no longer have access to a corporate environment upon which to practice, learn and hone skills, I'd like to suggest setting up a home lab environment that can be regularly built, upgraded, changed and where new things can be tried. At a minimum, 2 basic machines (and obviously, a router), which in today's prices would not necessarily have to be that expensive, can be used to install an Active Directory domain server and a workstation or second server, which would give the experience of being able to do much of the typical domain administration, adding machines and users, setting up and testing GPO's, and this is all without even getting into using virtual machines - if you add that to the mix, things can get even more interesting. The linchpin to all this, which many people aren't aware of, is a personal Microsoft TechNet subscription. While it's usually corporate users who know to take advantage of this, as that's where it's usually



marketed, individual users can also get their own. At an initial annual cost of about \$350 (about \$250 for renewal), this is a way of getting legitimate access to full-featured (not demo) copies of all of MS's software, from operating systems to Office to SQL and many others, for the effort of a download. You also get a monthly magazine, 2 free 'incidents' (trouble resolution calls) that you can use to resolve software-related issues. In addition, there is a 'concierge' service to help with identifying which resources could be of most help, as well as access to many online forums for further research or questions. With some minimum financial investment and some work on your part, you should be able to set up a test environment that would enable you to build & test systems and relationships that would serve you well in preparing for certification tests or in learning things on an ongoing basis, where you run minimal risk in doing any damage to a production facility.

Why and How to Network on LinkedIn

by James Yoakum

Did you know that:

- LinkedIn has over 8.5 million members. It is the leading social network for business professionals.
- All Fortune 500 companies are represented on LinkedIn. In addition, thousand's of medium and small companies represented too.
- LinkedIn usage had been increasing yearly by over 500%.
- One hundred and thirty different industries are represented on LinkedIn.
- Over 150 countries around the world have LinkedIn members including all major industrial companies.
- Over 90,000 of LinkedIn members are chief executive officers and over half a million occupy other jobs at the C-level.
- Many notable people are among LinkedIn members including President Barak Obama.
- Perhaps as many as 90% of all employers utilize LinkedIn to recruit and vet potential employees.

There are many social networks sites. But no doubt, the most prominent business networking site today is LinkedIn. It provides an immeasurable opportunity to enhance your networking success. And it is simple and it's free. Further, being a LinkedIn member will provide you a Google presence. Your Google page rank for LinkedIn will be high generally within the first five Google hits. (Note: To have a Google presence, you will need to select the "full view" LinkedIn feature. Your page rank can be further increased by having a customized URL, i.e., your own name thereby avoiding the standard URL automatically provided by LinkedIn.)

To begin networking with LinkedIn, you will first need to build your profile. Your profile needs to be complete and have substance. Spend the time; a poor or sparse LinkedIn profile



is worse than none at all. And it is important that your LinkedIn profile uses correctly spelled words, is grammatically correct, and contains no capitalization and punctuation errors. Optimize your profile – Make sure it represents the way you want to be viewed by strangers. And after completing your profile, you will want to fully utilize all the features offered by LinkedIn. Doing so will enhance your networking experience.

In building your profile keep in mind:

- (1) **Your Headline** — It matters. It is what people see first when they visit your profile.
- (2) **Your Summary** — You want summary to peak a reader's interest and want them to "read more."
- (3) **Work Experience** — Include details like dates, the actual names of the companies you have worked for and excellent descriptions of your jobs.

Having a good profile will enhance your connectability. People will more likely to find you.

After compiling your profile and to maximize your LinkedIn networking experience, you will want to start using the features provided by LinkedIn. First and most importantly, you will need to establish numerous and many connections. People with more than 25 connections are four times more likely to be approached by others. The average LinkedIn member has about 60 connections. Beat the average! Your visualability will increase as you acquire more connections.

Secondly, you will want to join LinkedIn groups. There are thousands of LinkedIn groups to join. Begin with school and employer/company alumni groups. Joining alumni groups provides an opportunity to network with others with the same backgrounds. Next add business association and interest groups. Joining these types of groups provides an opportunity to network with others with the same work backgrounds and interests. While LinkedIn limits membership to 50 groups, this still provides sufficient opportunity to network utilizing the groups feature. Your experience with the groups feature will be enhanced by participation, e.g., posting, responding to postings, group activities, connecting to other group members.

Further, participate in the LinkedIn question and answer feature. Ask for advice. This will also increase your visualability and result in new connections. If you ask questions, remember it is important to your networking efforts to respond to every comment.

Utilize the recommendation feature. Ask people for recommendations. And voluntarily provide recommendations to others. They are powerful. Recommendations let people know you are a good resource and a valued professional in your field.



Search companies and their employees. Ask to connect to those who could be a good member of your network. These contacts and the company information can be useful for sales and marketing efforts, job search efforts, etc.

These are just some of the LinkedIn features. As you become proficient LinkedIn user you will discover other features to utilize that expands your networking success.

While LinkedIn should only be one element of your networking efforts, it is essential in today's world. It is necessary to be a successful networker. So build a great profile, fully utilize its features and make LinkedIn a regular part of your networking activities.

How to Avoid Chorititis

By Jerrold (Jerry) Clifford, ETP Platinum Member

Searching for a job can be a pain in the portion of the anatomy normally reserved for sitting. There are all the position listings and job boards to be reviewed, companies to target, resumes to write and adjust, advocates to locate and contact, networking calls to make and networking opportunities to be identified, meetings to attend and contacts to, well, contact. If you are not among the fortunate folks who find something quickly these tasks can become repetitive, discouraging chores. While looking for a job is a job itself, the process can become depressing, especially if it leads to seemingly full-time disappointments.

I call the negative impact of non-offer producing chores "chorititis". It is important not to let this happen to you. If you do start to suffer from chorititis it is essential that you do not let it progress unchecked. Chronic chorititis leads to discouragement. Either your discouragement will lead to a decline in motivation which will diminish your job search efforts, or your discouragement will affect your attitude and this will show up in conversations with contacts or in job interviews. Both situations reduce the potential for finding a position.

Fortunately, chorititis can be prevented.

Following the 7 steps helps ensure that your job seeking time is as productive as possible and assists in promoting a positive attitude. An additional significant supplement is to have fun. Just as you schedule job search activities, schedule some time to have fun.

Since different people enjoy doing different things, the type of fun you have is up to you. And there is no rule that says fun can't be productive. For example, perhaps your idea of fun is golf. Allow enough time in your schedule to play a few rounds. Golf is also a wonderful way of meeting people and building your contacts list.

If you enjoy learning and can make time, enroll in a workshop or course. The subject can be totally unrelated to your usual profession but can be related to something you always wanted to learn about. Or it can be job related. Either way it is a great way to learn something new and to network with people with similar interests (aka your classmates).



You may even find that some essential job search related activities actually become fun. For example, renewing your relationship with prior coworkers or acquaintances helps keep your network vibrant and healthy. If you have not kept in touch with folks for a while, doing so may make you feel uncomfortable at first. However, with the experience born of practice you actually may begin to enjoy catching up.

A word of caution: Don't let fun take over your job search. It is important to keep doing the basics and to maintain job search momentum. To avoid the risk of too much fun and not enough job search, relate the fun to achieving a specific job search goal. For example, making phone calls typically is part of a job search. If you find you are a little weary of all the calling and miss a quiet day at the beach, set a goal of going to the beach without your cell phone if you get a job interview. There may be times when going to the beach and forgetting about the calls looks awfully tempting. However, don't cheat. When you set your goal reward yourself with the fun activity only when you have obtained it. That way your fun not only prevents choritis, it serves as a motivator as well.

Also remember that the process does not stop when you reach a particular goal. There are always more goals to set and more fun to be had as you continue following the steps.

Jerrold (Jerry) Clifford

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Jerry is a Project and Program Manager experienced with all aspects of software project development. As both employee and consultant he worked with some of the nation's premier companies including AT&T, Cisco Systems, and Merck. He holds a graduate degree in mathematics, earned certifications in project management and information systems auditing (CISA) and was elected to two terms as President of the EDP Auditors Association, New Jersey Chapter. He is the published author of several technical and non-technical books on topics ranging from computer math to car repair and carpentry.

How Are We In Business?

By Maureen Kinsey

In recent months, I have joined and volunteered at several in-transition networking groups. The first time I heard Rod Colon, founder of the ETP network, present his "7 Steps Job Search®" to successfully network to land a new position and develop businesses and multiple income streams, I knew that ETP's philosophy, methodology, and approach, were unique.

Rod began by stating that he believes that passion and income intersect. Now, how often do you hear someone speaking about passion in a business setting? I knew then that I had attracted proactive, like-minded individuals who form networks and groups that share information and assist others. He created a specific stepped system that utilizes and optimizes professional networking Internet sites. ETP teaches people to connect with others in meaningful and productive ways in today's digital market.

I am glad to share my ideas and research on integrating business and spirituality. I realize that when you think of business, spirituality does not readily or immediately come to mind. When I use

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Feel free to volunteer - join the staff - send us your contact information at
lamplighter@etpnetwork.com



the term spirituality, please know that I am not referring to any organized religion or religious practice. Rather, spirituality used in this context refers to Universal principles that are soul-aligned and heart-centered. Here, *passion equals soul*.

I believe that we would live different lives if we espoused and implemented soul-centered practices as individuals or we simply took a moment to reflect and remember our soul passion every day. There are many authors and leaders who espouse the practice of asking ourselves simple questions. One noted author Robert Fulghum discusses these ideas in his 1988 book, All I Really Need To Know I Learned in Kindergarten: Uncommon Thoughts on Common Things. In essence, I, like Robert Fulghum, suggest that we return to basics to listen to locate or reignite our life passion and purpose.

Twenty years later, in 2008, media industry leader, William F. Baker, teamed with Professor Michael O'Malley to write, Leading With Kindness: How Good People Consistently Get Superior Results. I suggest that every business owner read this valuable resource book, consider its message, and implement its findings. Baker and O'Malley conducted interviews with leaders across industries and shared their conclusions. They focused on thriving organizations and observed several commonalities among them. They found that successful managers were not the stereotypical boss that ruled using fear and intimidation.

The authors found that successful managers at all levels treat others according to how they themselves would prefer to be treated. The term "kindness" in Leading With Kindness refers to effectiveness. Baker and O'Malley concluded that effective managers listen, integrate information, and build effective teams. In these cited organizations, managers engage members and encourage collaboration. Paraphrased, strong leaders know that communicating their passion is a most powerful and effective resource, motivator, and engager.

For individuals in transition, we process our emotions, likely grieve, and ideally accept the life changes a transition brings. We, as business owners, realize that a career transition affords time to return to basics, regroup, and reassess our options. We have ample opportunity to reflect and review life and business choices. We ask ourselves in an honest self-evaluation, Why do we do what we do for a living? Do we remember what interests and inspires us, then and now? Have our interests changed, developed, or disappeared over time? Where does our passion lie? How do we translate our soul into business?

Every outsourcing and career placement firm addresses these questions with clients in transition. I suggest that we revisit the ETP belief that passion intersects income and view it with a new lens or slightly shifted paradigm so that passion or soul coupled with purpose attracts energy as income. In other words, do what we love and money as energy follows.

Have you wondered how this works and what this means? I surely have; so I have researched many diverse texts on these subjects. Simply stated, one explanation offers that we are all fundamentally connected and our energy connects us. For the purposes of this article, passion equals energy or soul. We have passion as energy and energy by nature is magnetic. Thus, you and I as magnets attract and repel energy by nature.



As magnets, we actively choose the energy we attract. In practice, we choose thoughts and beliefs that engender and foster passion to attract like energy. As you and I attract like energy, imagine the greater impact and result of both individual and collective magnetic energy aligned with our passion and our purpose in life.

Using this new magnetic passion energy lens, we do not ask, Why are we in business? Rather, we ask, *How are we in business?* We address how we use our individual and collective magnetic energy. We remember to engage and involve people passionately as business owners, managers, employee team members, and customers and clients. We actively choose our energy in how we conduct business.

Our energy aligned with passion or soul would surely produce different, expanded life and business results that ideally intersect or align so closely that no separation among them need exist. We live and work in places that meet our needs, fuel our passion, and fulfill our purpose to produce and sell quality products and provide meaningful service to others.

About The Author

Maureen Kinsey, EdM, MA, seeks a position as a Senior HR Business Partner/Director to support IT, R&D, and Business groups in progressive organizations. She has gladly served in healthcare and non-profit, insurance, media, technology, and pharmaceutical and medical device organizations. As a published editor, Maureen assists clients with professional resume review and preparation. Maureen serves as a spiritual advisor who offers energy clearing and intuitive healing sessions for individuals and groups. Soul, passion, and purpose inform business in Maureen's life and work. Maureen gladly volunteers with ETP, NBCNG, MIS Networking, and several area professional organizations. For additional information, please contact Maureen Kinsey via e-mail at mekinsey@gmail.com or on www.linkedin.com/in/maureenkinsey

Etiquette Counts For Success
Netiquette – Business & Office Technology Etiquette

By Adelaida A. Rodriguez, PMP

Business etiquette is the set of written and unwritten rules of conduct that make social interactions run more smoothly. Office etiquette in particular applies to coworker interaction, excluding interactions with external contacts such as customers and suppliers. Both business and office etiquette overlap considerably with basic tenets of **Netiquette** ([Grab bag - OOO Online, Fall 2006](#)).

Netiquette, a combination of “net-etiquette,” is a set of social conventions that facilitate interactions over networks (<http://en.wikipedia.org/wiki/Netiquette>).

Email

A tool that when used properly can make business communication easier and help us perform our jobs more efficiently. Many of us understand the importance of following certain rules when writing a business letter; therefore, we should not forget these rules when composing an email message. Here are some tips that can make email a more useful tool for us.



- **ALWAYS** respond to real messages. Junk mail and forwards are one thing.
- **Do not write in all capital letters.** This is generally considered as **SHOUTING**.
- For faster response, use the **subject line** to let your readers know the subject matter of your message.
- Wait to fill in the “**TO**” email address until you have completely proofed your email and made sure that it is exactly what you want to send. The name and email address in the “**TO**” field should be correct.
- **NEVER** send an email when angry. **Remember, once an email is sent, there are no “take backs.”**
- **Do not send a group mail if not needed.** Only send messages to the people who need to learn what you want to convey.
- **Use of REPLY and REPLY ALL** – When responding to an email message with several attached email addresses, click **REPLY** when you choose to respond to the email sender alone; click **REPLY ALL** if you choose to respond to the sender and all the attached email addresses.
- **Use spell check.** Reread your messages before sending to make sure there are no grammatical or spelling errors in your message.
- **Be professional.** Don’t use abbreviations and emoticons (smiley faces). Keep all personal information out of email.
- **Ask the recipient if you may send an attachment.** Many people won’t open attachments unless they know the sender.
- **Avoid Spam.** When you surf or shop retail sites on the Internet, watch out for the “free newsletter” and “customer update” email check boxes. If you sign up, you will be receiving regular email that may not interest you.
- **Don’t forget to sign your email.** Include your full name, title, department, phone number, and most importantly, your email address.
- **If you are leaving your job,** be sure your email account is closed and that incoming messages get forwarded to the appropriate person. Also, be sure to let everyone know your new email address.

CELL PHONES

- **Never use a mobile phone while driving unless it is “hands free.”** However, in areas with lots of traffic and difficult driving situations either turn the phone off or let it ring.
- **Speak Softly.** However, for places like the movies, theatre, office meetings, church services, doctor’s office, hospitals, funeral parlors, trains, and buses - it is ideal to put your phone on “vibrate” setting.
- **Respect others especially in public places** by trying to speak at least 10-20 feet away from the closest person.
- **Use discretion.** Avoid indulging in personal and business conversations that should remain confidential or private.



- **Turn off the phone and let it go to voice mail** – when GOING FOR AN INTERVIEW, conducting business at a service counter, entering a restaurant, joining a meeting, attending a show, or visiting a doctor.
- **Earpieces and Bluetooth** – Do not wear any earpiece when you are not on the phone. It is confusing because no one knows to whom you are speaking.

TEXT MESSAGING

- **NO texting while driving.**
- NO texting when you are having a face-to-face conversation with someone.
- Appropriate times to text - when you have time to pass, like waiting in a doctor's office or on the bus.
- When texting for business purposes, use simple words and sentences that clearly convey your message. Always use correct punctuation and grammar. Never text in ALL CAPS (the equivalent of SHOUTING).
- Never use texting for anything formal, such as invitations or initial contacts. It should never be used to deliver bad news or send condolences to someone.

Please use these links to the following sites:

<http://www.emilypost.com/business/index.htm>

<http://ase.tufts.edu/its/emailEtiquette.htm>

<http://hubpages.com/hub/technology-Etiquette>

<http://www.life123.com/holidays/etiquette/texting/text-messaging.shtml>

Before You Sign . . .

by Andrée Laney

Perhaps there were rumblings; perhaps it came out of the blue. Regardless of how you come to learn that you will no longer be with your company, it is a shock. You are given a large envelope and vaguely recall hearing something about signing the enclosed document to get some cash. Your signing that document may seem like a banal formality or just another torture to endure before putting this whole thing behind you. Pay attention, though. That document can impact your earning ability long after the money you got in exchange is gone. So take a look inside:

A severance agreement describes how you and your employer will tie up the loose ends of your relationship. While it can be mutually beneficial, a severance agreement is designed primarily to protect an employer, by creating binding evidence that it acted lawfully and with your consent in terminating your employment. **So what's in it for you?** In many instances, you can negotiate a better severance package if you understand the company's legal obligations to you and the risk/reward assessments that have driven its offer of



severance. With this in mind, you should go through the severance agreement for the following essential provisions and understand what they mean to you:

Characterizes Your Termination. The “why” and “when” of your lay off, this provision will characterize the circumstances of your employment termination and the official date of your separation from the company. It will benefit you to ensure that the agreement characterizes your separation in terms that clearly indicate that you were not let go because of poor performance. If your function or position has been eliminated, there is a reasonable expectation that no one else will be hired into that function or position in the foreseeable future. You may also be able to extend the end date of your employment with the company if your lengthened employment (if only on paper) does not pose an untenable risk to the company.

Waives and Releases Legal Claims. Most typically, your company will ask you to waive any legal claims (known or unknown) that you may have based on the company’s actions up to that date. In return, the company will offer you something of value (such as a cash sum, outplacement and/or extended medical benefits, etc.) to which you otherwise would not be entitled. It is typically better to seek a lump sum payment rather than an extended payout, since the latter will enable your company to withhold or delay payments as leverage in other, unrelated disputes. Your specific financial situation (e.g., high tax burden) may militate against a lump sum arrangement, though. Even if the company offers the perfect severance, there are limits on your ability to waive. You cannot waive claims based on the company’s future acts. Additionally, your release of claims must be “knowing and voluntary.” Courts will generally determine whether your waiver is knowing and voluntary based upon your relative level of sophistication, the amount of time you have to review the agreement, your access to legal advice, and the level of clarity or complexity in the agreement itself. The best course of action, particularly if you do not understand the agreement’s provisions, is to have an attorney review the agreement. Your employer may be willing to provide a reasonable sum of additional money for an attorney review if you cannot afford one on your own.

Waives Age Discrimination Claims. If you are forty years of age or older at the time you are laid off, you should be aware of the Older Workers Benefits Protection Act (OWBPA), which Congress passed in 1990 to impose additional requirements upon older workers’ waiver of age discrimination claims under the Age Discrimination in Employment Act (ADEA) to ensure those waivers are knowing and voluntary. OWBPA requires your company to (1) ensure its written severance agreement is readily understandable, (2) specify that you are waiving your age discrimination claims under the ADEA, (3) make clear that you are not waiving your any claim based on the company’s future actions, (4) pay appropriate consideration, (5) advise you in writing to consult a lawyer before signing the agreement, (6) give you 45 days to review the agreement before signing and 7 days (in



NJ; more in some states) to revoke the agreement if, after signing, you change your mind. Additionally, if you are part of a reduction in force (RIF), your company must (7) provide a statement (often referred to as a “Schedule A”) of the groups, units or positions that were considered as part of the RIF, identifying by age and job title or unit (not by name) all individuals who were laid off within the same time period.

Lets You Assess: “Why Me and Not Her?” You should review the aforementioned Schedule A prior to signing the agreement. It will allow you to figure out which of your colleagues stayed and went as part of the RIF. If all of the older employees were laid off and all of the younger employees were retained or if you know that younger, lesser performers in your same position were retained, it may not be age discrimination, but you may want to discuss the situation further with an attorney.

Provides Time to Review. Under OWBPA, if you are 40 or older and involved in a group RIF, the company must give you 45 days to review the severance agreement and 7 days after you sign it to revoke if you change your mind. If you are 40 or older and involved in a single job lay off (not part of a RIF), the company must provide 21 days to review the severance agreement and 7 days to revoke it if you change your mind. If you are younger than 40 and you are involved in a single lay off or a group RIF, your company must still provide you a reasonable, although unspecified, amount of time to review the agreement and need not provide any time for you to revoke the agreement. You may wish to contact the company or an attorney if you feel you have been provided less than the legal minimum or (in the case of under 40s) unreasonably little time to review the agreement.

Restricts Your Future Employment. If your severance agreement contains a “non-compete” provision, New Jersey (and New York) law requires that such provisions be reasonable. The determination as to the reasonableness of a non-compete provision balances the company’s need to protect its interests against the length and geographic breadth of the restriction on your livelihood. New Jersey courts will often “blue-pencil” or modify the terms of the non-compete provision, rather than eliminate it altogether.

Determines Ownership of Work-Products. Another means of protecting the company’s interests, provisions identifying the company’s proprietary or confidential information will determine what you can take -- or claim is yours -- when you leave the company. Since this may impact your ability to solicit clients or use work-product that you created while employed, you may want to challenge such a restriction if it unreasonably limits your ability to earn a living in your chosen profession.

Your Company’s References. New Jersey law does not obligate employers to provide references (nor does New York law). Further, to avoid defamation lawsuits, many employers provide only bare bones “name and employment date” references. Nonetheless,



if you have a record of strong performance and some concern that you will lose access to informal (e.g., word of mouth) references later on, you may want to negotiate a more substantive written commitment regarding how the company will describe your employment or departure to prospective employers.

Dispute Resolution. This provision will address whether and where you can address disputes over the parties' adherence to the agreement's terms. Typically, companies favor binding arbitration over lawsuits as less expensive because of the relatively shorter dispute processes, limited discovery and, arguably, lower non-jury awards. You may consider specifying particular Alternative Dispute Resolution organizations (e.g., AAA, JAMS, etc.) and fee arrangements up front, if the parties' obligations under the severance agreement are prolonged and more likely to result in disagreements. Finally, companies will often include a choice of law provision, specifying the state whose laws will apply to resolve the dispute. The law will often be that of the state in which you worked or where the company is headquartered. Since choice of law can impact statutes of limitations and entitlement to damages, you should consult an attorney if you are unclear as to why a particular state has been designated.

[Disclaimer: This article is being provided for informational purposes only, does not constitute and should not be relied upon as legal advice. I encourage you to seek out individualized legal advice tailored to your situation.]

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Answers to the April/May Crossword

ACROSS

3. connector
4. Ferrazzi
7. branding
8. audacity
10. job
11. gatekeeper
13. chip
14. mission
15. career
16. interview
18. networking

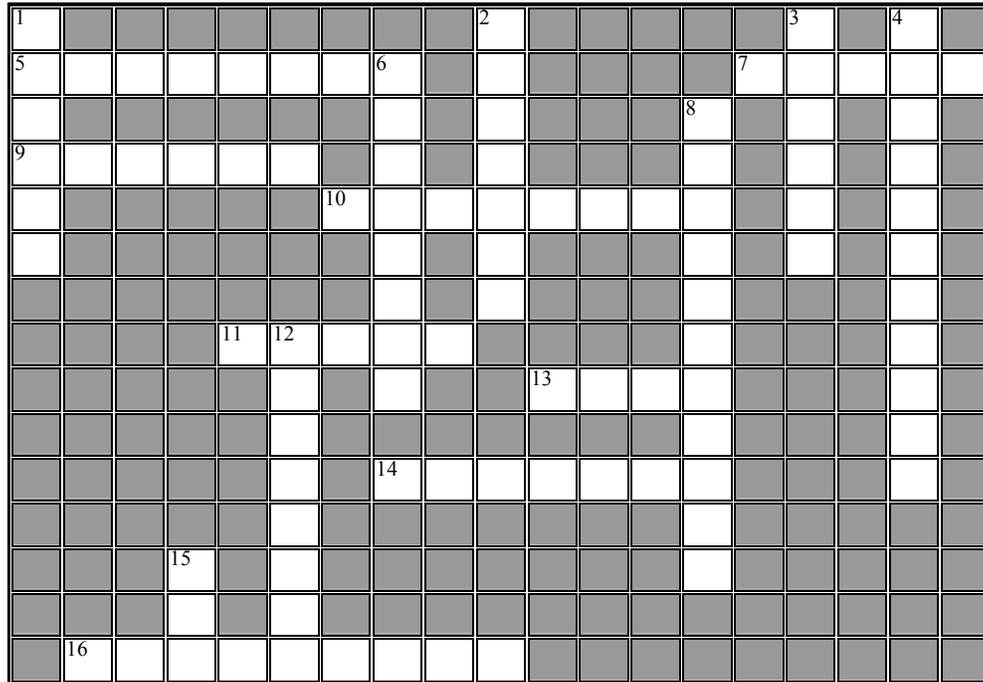
DOWN

1. covey
2. mentor
5. resume
6. advocate
9. passion
12. reid
17. trust



Crossword Puzzle

By Rod Colon



ACROSS

- 5. the essence of your personality
- 7. _____ step job search program
- 9. the moral principles that determine the rightness or wrongness of particular acts or activities
- 10. co-author of "Networking Magic"
- 11. networking isn't _____
- 13. always set a _____ when attending a networking event
- 14. you are your _____
- 16. Helps to find an ally

DOWN

- 1. a family of jobs; your life's work
- 2. ETP Founder's Home Town
- 3. Author of "Your Career, How to Make It Happen"
- 4. if you help me, I'll help you
- 6. a company's or an organization's private, closed computer network
- 8. networkers hate being _____
- 12. Decision Maker - Group "A"
- 15. "_____ your career" - tagline