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# NEVER MIND

## WHAT TO DO WHEN A FIRM MAKES A JOB OFFER - AND THEN WITHDRAWS IT

By **BRIAN MOORE**

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YOU were da' man in July.

Back then — with a job offer in hand from a prestigious Wall Street firm — you were the toast of your graduating class, or the envy of co-workers.

Four months ago, that offer was your ticket to the high life. Now it's a ticket to the unemployment line, rescinded before you were even issued a company ID. Instead of skipping through raindrops like Gene Kelly, you're looking like you just learned Darth Vader's your father.

Though mass layoffs like Citigroup's recent bloodletting are grabbing headlines, career experts say many workers — from entry-level grunts to high-level executives — are having job offers rescinded in the current downturn.

"It's happening a lot," says career expert and columnist Nicole Williams, author of "Earn What You're Worth." "It's pretty pervasive."

Wendy Kaufman, an industrial psychologist and CEO of the corporate training firm Balancing Life's Issues, reports that in the past month, two of her clients have had offers nixed in spite of having offer letters in hand and agreed-upon start dates and salaries. Eight others have had handshake agreements broken.

"That's a huge number," she says. "Normally we get one a year."

With job offers standing on ground that's as shaky as the San Andreas Fault, those waiting to start at a new firm should steel themselves for the worst and handle themselves like pros if bad news comes, experts say.

"The biggest challenge is staying professional," says Lynne Sarikas, director of the the MBA Career Center at Northeastern University. "You can't rant and rave and yell and scream — even though that might be an understandable reaction — because they might want you down the road."

The best response is to say that, although you're disappointed, you understand the company is facing tough economic times and to keep you in mind if the position reopens in the future, says Jody Queen-Hubert, executive director of career services at Pace University.

"Be very careful," she says. "It's a small world."

If you have difficulty maintaining your composure, it's perfectly acceptable to ask for some time to get it together, then call back in a few minutes, an hour or the following day, adds Sarikas.

Still, getting the shaft often leads the shaftee to contemplate legal remedies for the wrongs suffered. Some are available, but attorneys say they're few and far between.

Since New York and many other states have "at will" employment laws — which means that barring outright discrimination, a company can fire you for any reason at any time — businesses can rescind a job offer for almost any reason. Under most circumstances, an employee "does not have a legal option to sue that employer," says Carol Goodman, an employment lawyer and litigator who represents the management side at Herrick, Feinstein LLP, a city law firm.

There are limited grounds for legal action, however. If you've signed a contract or an offer letter that specifies the length of your employment, you could sue. If you've moved or turned down other job offers because of the offer that's been rescinded, you could sue, though Goodman says those lawsuits are a "longshot."

"It is not — capital N-O-T — true of somebody who leaves one job and starts another.

There has to be a critical, substantial change in somebody's life, and you have to have relied on that offer to your detriment," she says, adding that "it's very unusual for that to happen."

Robert Benowitz, a partner at the New York firm Rick, Steiner, Fell & Benowitz who generally represents high-level employees in employment cases, adds that legal action is possible if an employer has provided a prospective employee a document, such as a letter or an employee handbook, which states that grounds for termination are more limited than the state's "at will" laws. Again, "it's not necessarily something that's widespread," he cautions.

A better idea is to head the problem off at the pass.

"If you have an offer in an industry you know is having problems or faces challenges, then you want to be proactive," says Andrea Rice, co-founder and president of Gotta Mentor, an online resource for students and professionals. "If they're rescinding offers, they're probably not rescinding all offers."

Contact both the HR person who offered you the position and the person who will be your direct supervisor, suggests Rice. Restate your enthusiasm for the job, then ask if they know the status of the company's job offers and when they will make a firm decision whether to rescind.

"You want people on the inside advocating for you," she says.

Pace's Queen-Hubert says it's a good idea in any case for students who've committed to a job that starts six or nine months down the road to be in touch with their prospective employer every two months.

Many experts say that until you've actually been handed a cubicle and a key to the restroom, you should keep your eyes open for another job. It's a dicey strategy, though, because word might get back to your prospective employer that you're still looking.

Still, "It's a good risk to take," says Williams. "Until you're sitting at the desk, you're a free agent and you need to be out there exploring your options. This is your ass."

"The obligation to the individual is to do the best he possibly can for himself and his family," agrees Bob Hoberman, a partner at RW Consulting in New Jersey. "It may be that the job offer has seven out of 10 things that he wants, but maybe he can find one that has eight or nine."