

Sample Employment Dispute Resolution Options

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Employment disputes and difficulties arise from a multitude of circumstances, personal situations, and relationships, from which numerous resolution options might be presented. Of course, just as it is not possible to list all of the employment disputes and difficulties that can arise, it also is not possible to list the universe of resolution options, or to predict which options might be acceptable to all the parties in a particular situation.

However, ignoring the potential option legal availability/legal requirement issues that would need to be considered on a case by case basis, the below list of possible resolution options will provide you with some ideas for thought:

Change to a different job inside the company.

Assistance with the search for a new job or job duties within the company.

Payment or tuition assistance to train for a new job within the company.

Modification of current job work conditions within the company:

- Modification of work shift or schedule.

- Modification of number of days, or hours per day worked.

- Modification of physical work environment; physical work aids.

- Relocation of work area.

Continued work within the company as a consultant.

Providing leave for medical care, personal or family needs, training or education, etc.

Modification of employer procedures or policies.

Adoption of procedures, modifications, training, and actions to be taken to help avoid, resolve and address future conflicts and disputes; relationship difficulties.

Possible rehire if employment had arguably been terminated.

Possible reinstatement if employment had arguably been terminated.

New probationary employment period to evaluate future progress; evaluation criteria and future actions to be taken in light of progress achieved.

Continued employment or consulting for a limited specific length of time only.

Change to a different job outside the company.

Assistance with the search for a new job outside the company.

Payment or tuition assistance to train for a new job outside the company.

Relocation assistance.

Outplacement assistance.

Temporary, limited time, use of office space and support.

Continued employee receipt of certain employment, injury, disability or other benefits; possible employer payment; date certain specifications.

Agreement regarding how to handle inquiries by prospective new employers.

Payment of money, and the related payment period and security terms.

Payment of attorneys' fees.

Consideration of provisions that are the most tax advantageous.

Return of the employee's property.

Return of the employer's property, documents and proprietary information.

Non-competition agreement.

Penalties for employee and employer failure to fulfill, or for breach of the terms of settlement; attorneys' fees.

Waiver of claims.

Mutual releases, and possible indemnity of the employer, such as for potential tax withholding issues.

Agreed upon adjudication procedures in the circumstance of future dispute or breach; mediation; arbitration; jurisdiction; venue.

Confidentiality agreement, possibly secured by liquidated damages or a penalty such as the deferred payment or forfeiture of part of the settlement; non-disparagement agreement.

Additional options?

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