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Can I Be Fired After Giving 2 Weeks' Notice?

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NEW YORK ([MainStreet](#)) -- **Q:** Is my employer allowed to fire me after I put in my two weeks' notice, or is there some kind of protection against this?

A: Just because you've alerted your boss that you plan to quit in the coming weeks doesn't mean they can't choose to fire you before then.

"I would say that nine times out of 10, an employer could get away with terminating you after you have given notice," says Joshua Zuckerberg, a labor lawyer at **Pryor Cashman**. The main exception would be if there is specific language in your employment manual that guarantees you can't be fired after giving your notice, but as Zuckerberg points out, "most manuals are not that specific."



There's very little legal protection to prohibit an employer from firing someone who has given notice.

The only other possible exception, Zuckerberg says, would be if the employee felt the manager had forced them to put in their notice only to fire them shortly after. In this situation, the employee might be able to convincingly argue that they wouldn't otherwise have put in notice before leaving and would therefore have been paid for an extra two weeks. Zuckerberg could not think of any cases in which an employee successfully used this argument, though.

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"Part of the reason you don't see a lot of claims like this is that it's usually not enough money to justify the lawsuit," he says, alluding to the fact that the employee is essentially fighting for just a couple weeks of pay. Of course, there is also the matter of pride: It's one thing to quit a job and quite another to be fired.

Most competent employees probably won't have to deal with this problem though, as long as they don't [slack off too much](#) in their final weeks on the job.

"Generally speaking, if you've been a valuable employee and you continue doing your job, your two weeks' notice will be honored in large part because the employer needs you around," Zuckerberg says. The only reasons an employer would choose

to do otherwise, he says, is if "there is bad will, or they don't trust the person to be around now that they are leaving because they have access to sensitive information."

If that's the case, prepare for the possibility that your two weeks gets cut short.

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