

Professional Educators of Tennessee

Are You Being Pressured Into Resigning or Retiring?

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Most of you will never find yourself in these circumstances. But if you do, how you handle yourself is very important. We have had situations where members felt they were pressured into resigning or retiring. After they signed the forms to retire or resign, they contacted us to help get their job back. In both instances, keeping the job would have been a relatively easy compared to the situation we faced after the member had signed those papers. However, by resigning or retiring the members sabotaged their chances of correcting the situation in which they found themselves. These members had changed their status of defending their employment rights (definitely covered by the insurance we carry on you) to one of bringing suit to regain their job after voluntarily [even if under pressure or duress] giving it up. Associations do not carry insurance to bring suit or have the attorneys working for them bring suit except in extreme cases.

Do not resign or retire unless you are ready to live with that decision. If it is resign or be fired and you want legal help, make them take the action and then always request a hearing. If you are denied a hearing, then action can be brought on your behalf. If you do not request a hearing, you are again working against you own chances of regaining that job. If you are not comfortable with being asked to retire or resign, call us. If you are told, "I have to have the answer now", don't give them an answer. Again, this makes them take the action and gives us an action to defend. It is apparent that some of our members make the job of serving them next to impossible but expect the same result as those who work with us and follow our advice from the beginning.

Most retirements are not coerced and are the normal result of a successful career. So I am not addressing those members. Some even find that the school systems ask them to come back, which gives them a huge decision to make. Be sure to talk to the advisors at the TCRS before giving up your retirement benefits to return to service. In some cases it is a good financial decision, but not always.

A member whose contract has not been renewed and is not tenured has not, according to the Tennessee law, has not been fired and, in most cases, cannot defended. I will make this recommendation: If you are asked to resign and you know you are going to be non-renewed it is up to you to weigh what you would rather have on your record. You must also weigh external factors such as how it will affect your ability to collect unemployment benefits. If you resign, you will most likely be unable to collect those benefits. If you are non-renewed, you will most likely be able to collect those benefits. Also, there are times when the actual non-renewal is not handled correctly and we may have a way to challenge it. It is almost impossible to challenge anything when you resign. Members who find themselves non-renewed should contact our office and give us the details. However, if the district has followed the law and has not given reasons for the non-renewal there is usually very little which can be done. What we will look for in those instances are inconsistencies or instances of not following the law.

When faced with a situation where your administrator is pressuring you into ending your employment, do not comply without talking to us. And please give us the whole truth when we are dealing with you. We cannot give you our best opinion unless you give us the best information.