

Littler[®]

Compliance **HR**
A Littler Company

Conducting Compassionate Reductions in Force

November 6, 2025



Today's Hosts

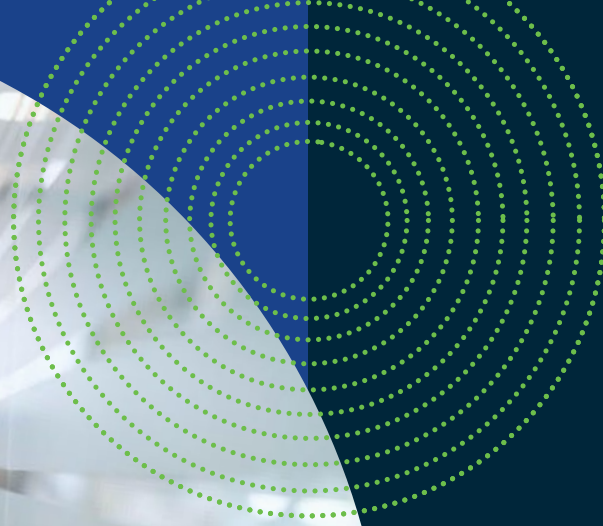


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Introduction to ComplianceHR

Simplify the Complexity of Employment Law

Compliance **HR**
A Littler Company



PolicySmart™

Effortlessly create and maintain an up-to-date and legally compliant employee handbook



The Reference Center

Easily answer compliance questions and locate content on several employment law topics



The Document Center

Efficiently generate state and federal compliant documents throughout the employee lifecycle



The Training Center

Interactive compliance training designed to reduce risk and improve retention



Navigator Independent Contractor

Immediately mitigate your risk of independent contractor misclassification



Navigator Overtime

Quickly and compliantly determine whether an employee is exempt or non-exempt

Federal and State - Littler Templates

PolicySmart

About PolicySmart



This application provides you with the following documents:

- A National Template
- State Supplements
- Policy Checklists

The **National Template** includes a number of documents, including optional sample policies for various operations (e.g., Workplace Bullying, Harassment, etc.).

There is a **State Supplement** to that National Template for each state. These documents find policies that carefully track state and locality-specific distinctions from those general, national policies under state EEO laws, state-specific meal break, predictive scheduling, lactation accommodation and predictive scheduling requirements for major municipalities, which are local laws.

The State Supplement policies are drafted to comprehensively track statutory requirements, which are intended for the policy drafter. These comments may explain why specific language appears, significant to you customize the policy.

The application also provides **Policy Checklists** and substantive guidance for each state. At the bottom of each document, you can find materials that can be used as references as you are compiling a new set of policies, or reviewing existing policies.

In a panel on the right, there are options for filtering the list of documents. For example, you can filter by jurisdiction, type of document, or date.

PolicySmart

Checklist	California	May 15, 2025
Template	Colorado	Aug 15, 2025
Checklist	Colorado	Apr 17, 2025
Checklist	Connecticut	Sep 23, 2025
Template	Connecticut	Sep 23, 2025
Template	Delaware	Sep 09, 2025
Checklist	Delaware	Nov 26, 2024
Template	District of Columbia	Sep 24, 2025

Filter Documents

Select Jurisdiction

- Select All -

Select Type of Document

- Select All -

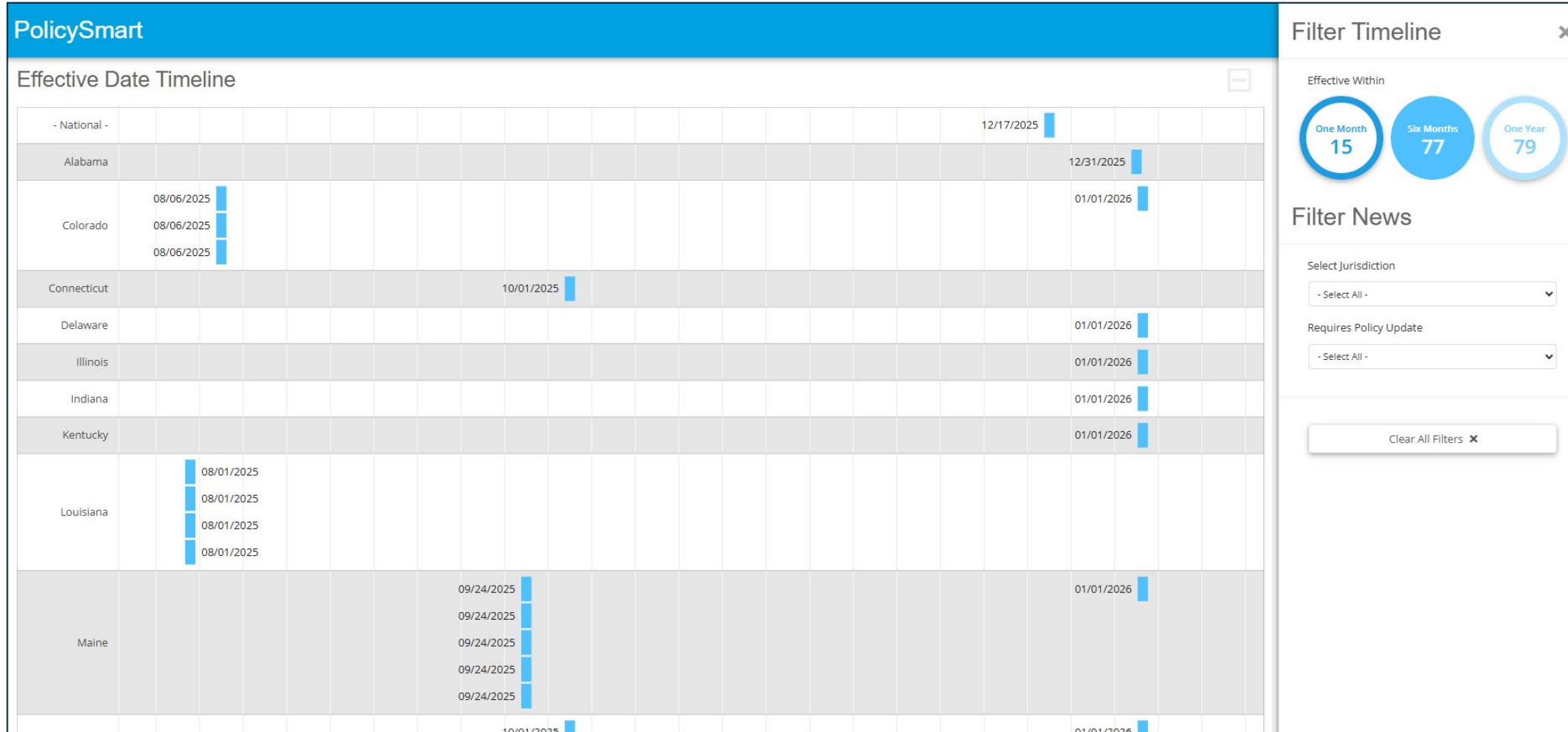
Sort by

Jurisdiction

Updated Date

Clear All Filters

Proactive Effective Date Timeline



Policy News and Updates from Littler

PolicySmart

Illinois

Illinois Amends Organ and Blood Donor Leave Law -- Includes Updated Policies

Illinois has amended the Employee Blood and Organ Donation Leave Act to expand its coverage to part-time employees. ...

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- National -

White House Proclamation Imposes \$100,000 H-1B Fee: Immediate Action

On September 19, 2025, President Donald Trump issued a proclamation titled, Restriction on H-1B Visa Program. ...

- National -

Treasury Department Issues Proposed Regulation on "No Tax on Tips"

The Treasury Department has now issued a proposed regulation on the meaning of "cash tip" for the "no tax on tips" deduction. ...

- National -

Illinois Amends Organ and Blood Donor Leave Law -- Includes Updated Policies

[Add to Calendar](#)[Print](#)

Illinois Legal Development (Effective 01/01/2026)

Requires Policy Changes

Posted October 8, 2025 - Illinois has amended the Employee Blood and Organ Donation Leave Act to expand its coverage to make paid leave for organ donation available to part-time employees. The amendment affords full-time employees up to a total of ten days of paid leave in any 12-month period to serve as an organ donor.

This amendment permits part-time employees to take up to ten days of leave in any 12-month period to serve as an organ donor. To calculate compensation for a part-time employee using organ donation leave, the employer must calculate the daily average pay the part-time employee received during their previous two months of employment and compensate the employee in the amount of the daily average pay for the leave days used. Although full-time employees may use paid leave to donate blood, the amendment does not extend paid blood donor leave to part-time employees.

Under the amended law, both full-time and part-time employees may use this paid organ donation leave only after obtaining approval from their employer.

The Illinois Supplement previously included a single Blood and Organ Donor Leave policy. However, in light of yet another distinction between the organ and blood donor leave requirements and entitlements, we have separated that into two separate policies. The Organ Donor Leave policy below also reflects the amendment taking effect January 1, 2026.

SAMPLE POLICIES

Blood Donor Leave

Eligible employees will be allowed up to one hour of paid leave every 56 days to donate, or attempt to donate, blood.

"Eligible employees" are full-time employees who have been employed by the Company for six months or longer and have obtained company approval for the time off.

[Insert one of these statements: If an employee attempts to donate blood but is unsuccessful (as determined by the blood bank), the employee will retain the one hour of blood donation leave. Employees who attempt to donate blood but are unsuccessful (as determined by the blood bank) will still be charged the blood donor leave.]

[Optional: Minor employees who are 17 years of age or older may donate blood, if the donation is completely voluntary, without the necessity of obtaining the permission or authorization of the parent or guardian. However, employees who are 16 years of age can only donate blood if they get written permission or authorization from their parent or guardian.]

Employees will not be required to use accrued or future vacation or sick leave while taking time off to donate blood.

When requesting time off for blood donation, employees must submit documentation of the appointment to donate blood in advance of the appointment. The Company may require that employees provide a written statement from the blood bank confirming the employee's attendance at the appointment.

Bi-monthly News Updates

PolicySmart

Policy News and Updates

Click on the links below to access summaries of legal developments added to PolicySmart within the last 30 days:

Arizona

- City of Tempe, Arizona Enacts Heat Safety Standards for City Contractors [View Post](#)

Colorado

- Amended Colorado Paid Family and Medical Leave Insurance (FAMLI) Law Addresses Neonatal Intensive Care, Slightly Low
- Colorado Clarifies Right to Reproductive Decisions [View Post](#)
- Colorado Enacts Increased Wage Act Penalties and Enforcement, Allows Local Governments to Increase Tip Credit [View Post](#)
- Colorado Amends Law on Child Support Withholding [View Post](#)

Connecticut

- Connecticut Amends Consumer Data Privacy and Online Monitoring Act [View Post](#)
- Connecticut Amends Retirement Security Program [View Post](#)
- Connecticut Amends Anti-SLAPP Statute, Extending Protections to Include Communication Concerning Alleged Commission

Delaware

- Delaware Appropriates Funds for Administration of Healthy Delaware Families Act [View Post](#)

District of Columbia

- District of Columbia Amends Human Rights Act, Including Definition of Sexual Harassment [View Post](#)

Hawaii

- Hawaii Amends Retirement Savings Act [View Post](#)
- Hawaii Expands Eligibility for Unemployment Benefits [View Post](#)

Illinois

- Illinois Amends Equal Pay Act, Expanding Reporting Requirements [View Post](#)

Iowa

- Iowa Amends Law on Notification of Positive Drug Tests [View Post](#)

Developments Taking Effect This Month

To help keep you on track, below is a reminder of previously enacted laws taking effect this month. Click on the links to access the PolicySmart summary and any policy related template materials.

Alaska

- Alaska Ballot Measure Includes Provisions on Mandatory Employer Meetings (effective Jul 01, 2025) [View Post](#)
- A Majority of Alaskans Appear to Have Approved a Paid Sick Leave Ballot Measure--Now Includes Sample Policy (effective Jul 01, 2025) [View Post](#)

Arizona

- City of Tempe, Arizona Enacts Heat Safety Standards for City Contractors (effective Jul 09, 2025) [View Post](#)

Arkansas

- Arkansas Amends Independent Contractor Test (effective Jul 12, 2025) [View Post](#)
- New Arkansas Law Allows Employers to Disclose Substantiated Allegations of Sexual Abuse or Harassment to Prospective Employers (effective Jul 12, 2025) [View Post](#)
- Arkansas Passes Law Allowing Private Property Owners to Ban Emotional Support Animals (effective Jul 12, 2025) [View Post](#)
- New Arkansas Law Requires Veterans' Benefits and Services Poster (effective Jul 12, 2025) [View Post](#)

California

- Los Angeles County Enacts Predictive Scheduling Ordinance--Now Includes Sample Policy (effective Jul 01, 2025) [View Post](#)

Colorado

- Colorado Expands Privacy Act Protections for Biometric Data--Includes Written Policy Requirement (effective Jul 01, 2025) [View Post](#)

Connecticut

- Connecticut Amends Retirement Security Program (effective Jul 01, 2025) [View Post](#)

Georgia

- Georgia Phases Out Subminimum Wage for Individuals with Disabilities (effective Jul 01, 2025) [View Post](#)

Hawaii

- Hawaii Amends Retirement Savings Act (effective Jul 01, 2025) [View Post](#)
- Hawaii Expands Eligibility for Unemployment Benefits (effective Jul 01, 2025) [View Post](#)

Idaho

- Idaho Expands Law Prohibiting Required Vaccinations (effective Jul 01, 2025) [View Post](#)

Sign Up for a Demo

Three ways to sign up for a demo:

1. Reply “Yes” to the on-screen poll
2. Visit our website: Compliancehr.com
3. Email our team at demo@compliancehr.com

Benefits of a custom demo:

- Discuss your organization’s requirements/challenges
- Review Navigator Suite Solutions
- Share compliance methodologies

ComplianceHR Demo & Free Trial:

<https://compliancehr.com/webinar-demo/>

Resources

[Compliance HR - Demo & Free Trial](#)

[State-by-State CLE Guide](#)

[BeaconLive - How to Access Certificates](#)

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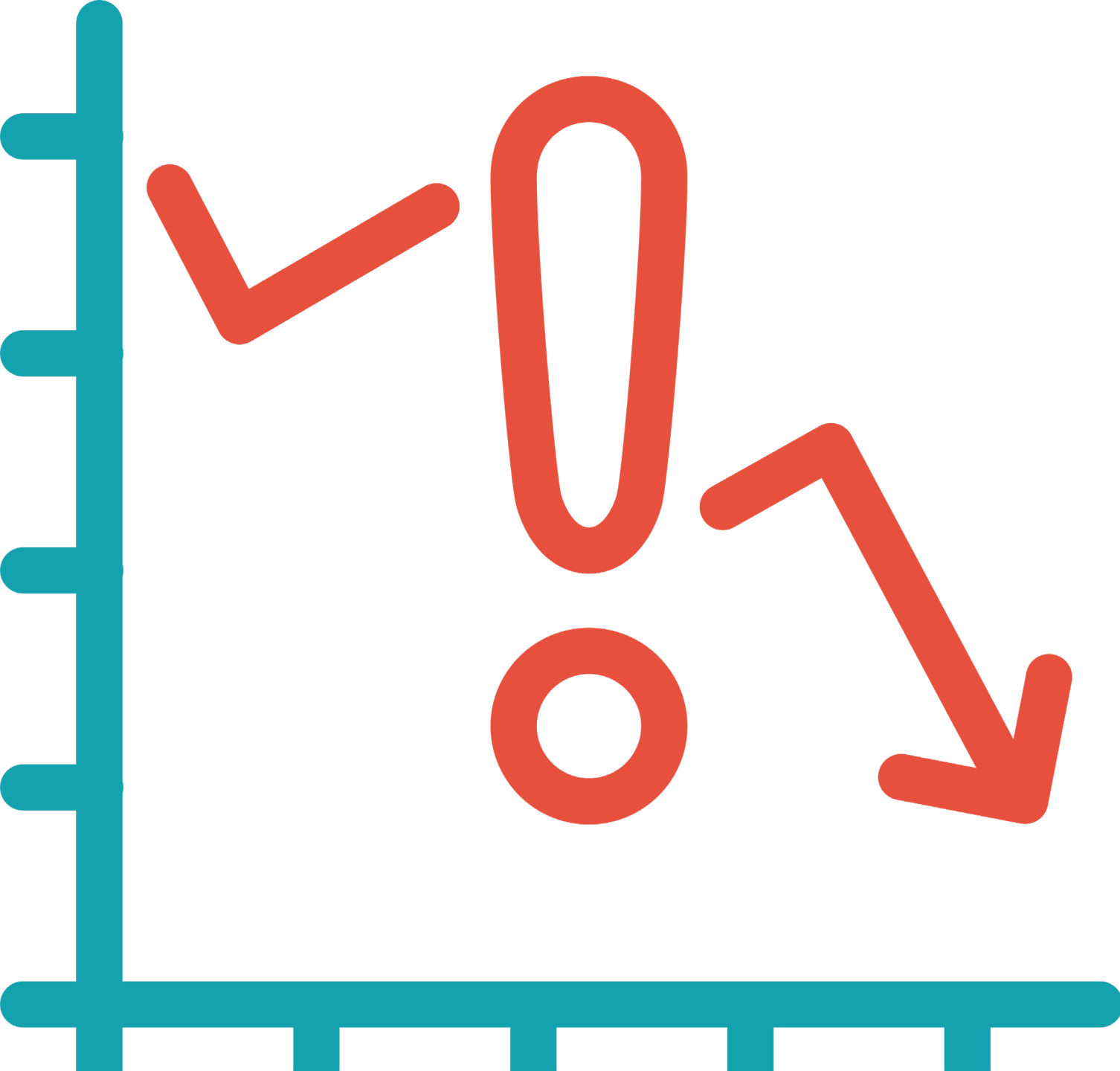


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Agenda

- Alternatives to RIFs: Furloughs
- Alternatives to RIFs: Voluntary Plans
- WARN
- Selection Procedures
- Severance/Releases/OWBPA
- Communications/Workplace Violence



**Alternatives to
RIFs including
Furloughs**

Restructuring – Other Options

Consider Other Cost Savings

- Reducing other expenses
- Travel bans
- Hiring and compensation freezes
- Reducing OT
- Reducing non-exempt hours
- Pay reductions



Furlough or Layoff

What is a Furlough?

- Absence from work without pay
- Concept of likely return to work
- Sometimes includes benefit coverage
- Common during pandemic

What is a Layoff?

- Can be temporary or permanent
- General use here is permanent termination
- Better choice if little expectation of return

Furlough Issues

Pay Issues

Executive
Contracts

PTO

Benefits

Notice
Obligations

Furloughs – Pay Reductions with Reduced Work

- **Non-exempt – minimal legal issues**
- **Exempt workers more complicated**
 - Salary basis test - \$684/week under FLSA.
 - Higher in **AK, CA, CO, ME, NY**
 - DOL opinion letter supporting reducing pay with equivalent work reductions
 - Must be long-term change!
 - Some authority for 2x in one year
- Work-sharing agreements



Restructuring – Pay Reductions with Reduced Work

- Constructive discharge concern
 - Zero to 20% -- Green light
 - 20% to 50% -- Gray Area
 - Over 50% -- Red light
- Advance notice laws
 - MO and NE – 30 days
 - Most states – one pay period or just in advance of change
 - No retroactive reduction – Can violate final pay laws!
 - NY, DC, City of Minneapolis require signed acknowledgement of change
 - Wage theft notices

Furloughs – Executive Contracts

- Beware of employees with Executive Contracts
- Many contain clauses prohibiting reductions in pay
- Inadvertent termination with significant severance



Furloughs – PTO

- Furlough may result in final pay obligation including accrued but unused PTO
- Some employers may want to require use
- Some employers may want to prohibit use
- Check PTO policy
- State law may prohibit forfeiture



Furloughs – Benefits

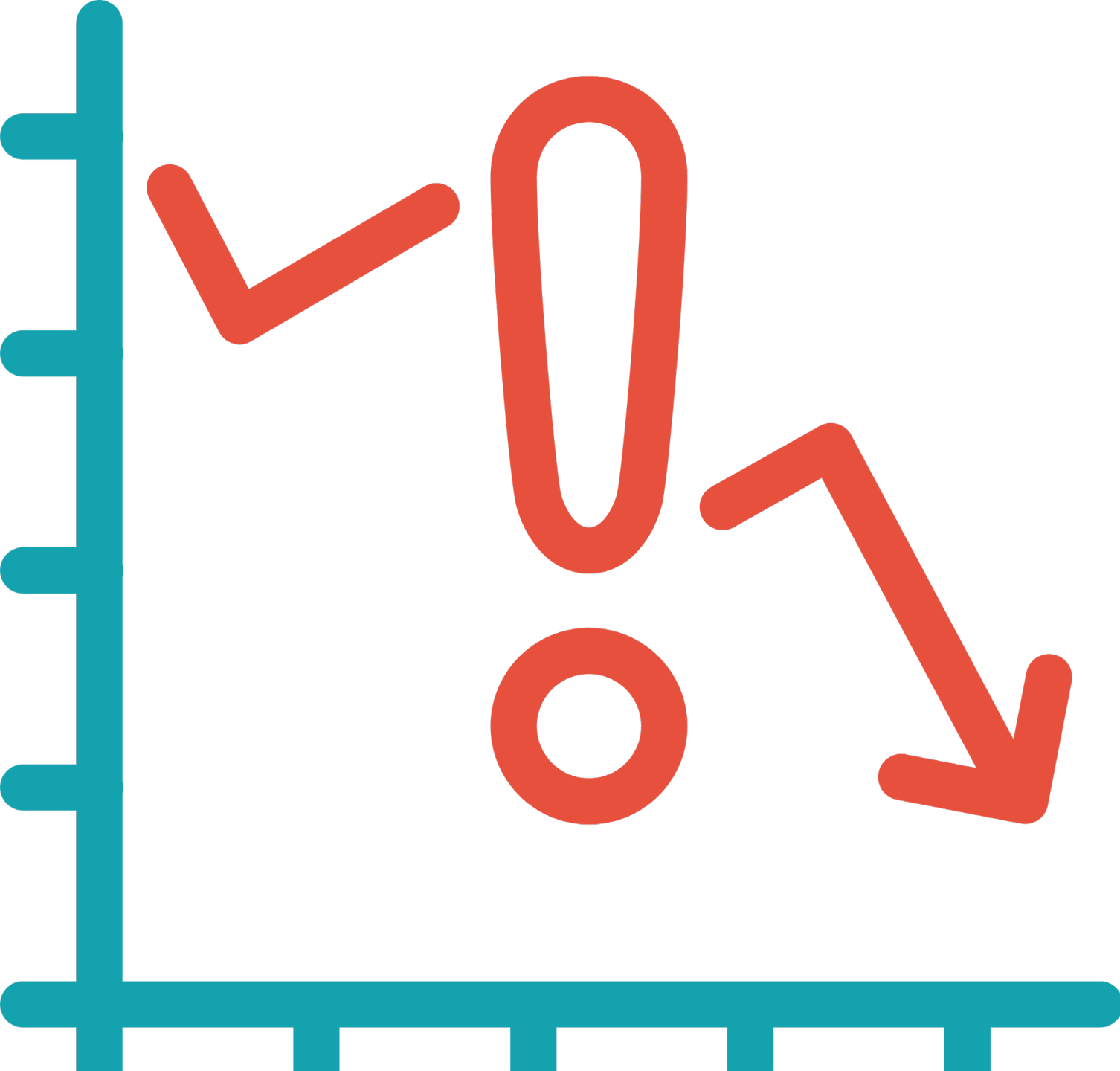
- Continuation during furlough
- Dealing with employee co-pays
- Check plan coverage for inactive employees



Furloughs – Other Issues

- WARN Issues
 - 6-month limit under Fed WARN
 - State laws can be different –
CA, NJ, VT, WI, WA
- Second trigger issues
- No work during furlough agreement





Alternatives to RIFs: Voluntary Exit Incentive Plans

Voluntary Programs

Alternative to Involuntary Programs

May be voluntary separation program or early retirement program

Early retirement programs are exempted under the ADEA, 29 USC § 623(f)(2)(B)(ii)

Must be in some way tied to a retirement but not necessarily a pension requirement

Avoid inadvertently creating a retirement plan

- Twice compensation for prior 12-month period
- Payout greater than 24 months
- Contingent on retirement

Voluntary Programs

Advantages

- No adverse action
- Not counted for Fed WARN thresholds (could be under CA and MD state mini-WARN statutes)
- Can be effective to reduce certain segments of workforce
- Can create goodwill among employees
- Might eliminate need for involuntary program

Disadvantages

- May not necessarily eliminate greatest needs in restructuring
- May lose some good employees
- Can be expensive
- Does require some time and administrative activity

Voluntary Programs – Practical Issues

- Client must evaluate **eligibility criteria**
- Client must offer **meaningful exit benefits**
- **Avoid turning into involuntary plan by actions**
- **Timing of involuntary phase** if necessary
- ERISA plan is preferred
- Can reject applicants if oversubscription

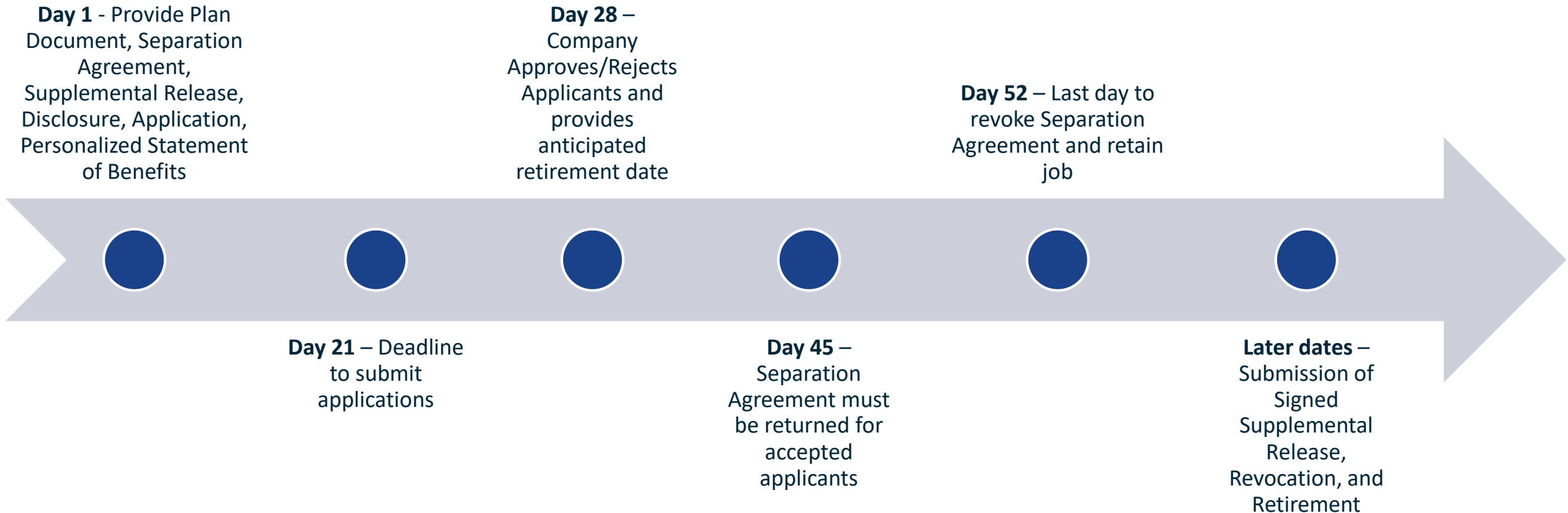


Voluntary Programs – OWBPA Issues

- Likely subject to “employment termination program” requirements of OWBPA
- 45-day period to consider opting into program
 - *EEOC v. Sears*, 857 F. Supp. 1233 (N.D. Ill. 1994)
 - *Peterson v. Seagate*, 2011 U.S. Dist. LEXIS 12422 (D. Minn. February 8, 2011)(workaround for two 45-day periods)



Voluntary Programs – Possible Timeline





WARN ISSUES

WARN Events



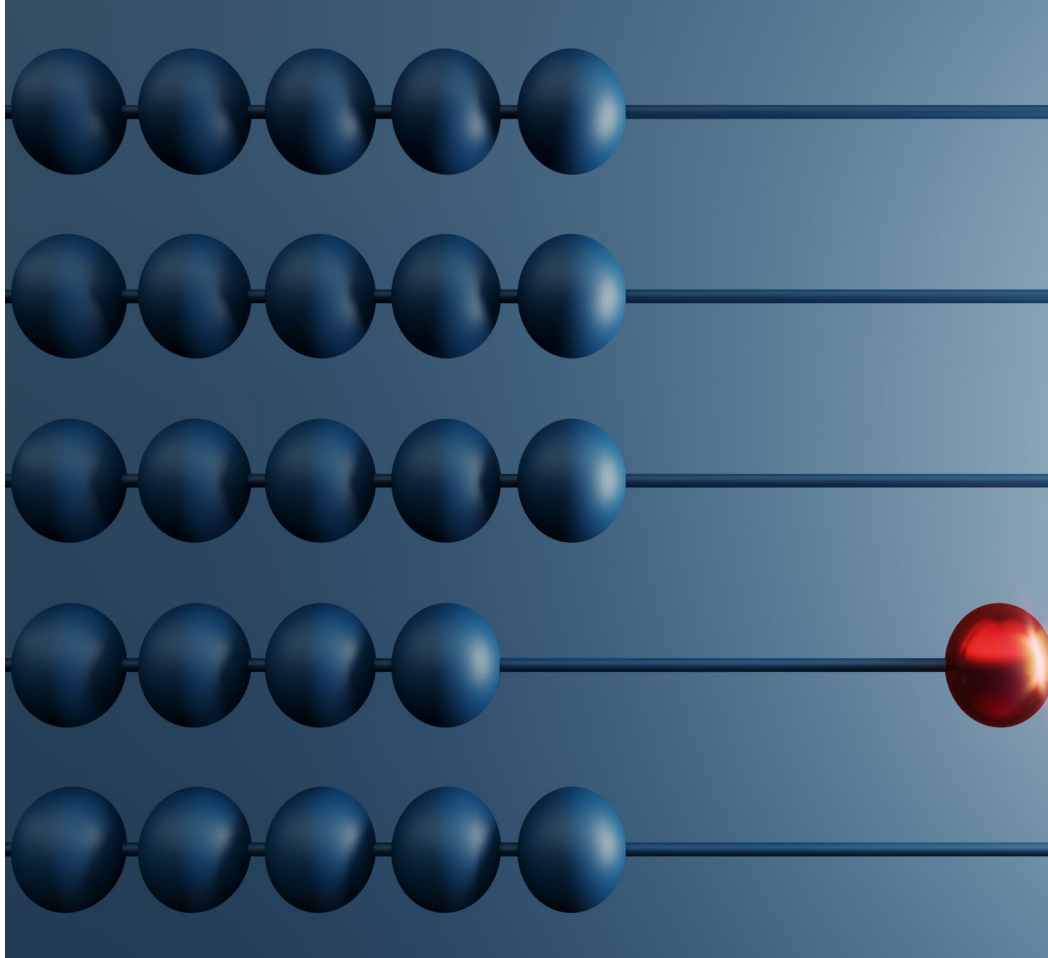
A **plant closing** is the permanent or temporary shutdown of a **single site of employment**, or one or more operating units within the single site, causing an employment loss for 50 or more employees excluding any “part-time employees” during a 30 (or 90) day period.



A **mass layoff** is a RIF that results in employment losses at a **single site for employees** excluding any “part-time employees” during a 30 (or 90) day period for either

- 50 or more employees **AND** greater than 33% at the site; **OR**
- 500 or more employees

WARN: Who Do We Count?



- **Affected employees and total employee population at the site**
- **Part-time employees are not counted** to see if WARN event is occurring (but are entitled to notice)
- A part-time employee under WARN may not be what you think. It is one who has:
- worked an average of fewer than 20 hours per week; or
- been employed for fewer than six of the twelve months preceding the WARN notice date.
- **Caution:** Count employees, NOT FTEs

WARN: When Are They Counted?

30 Day Time Period

D-Day plus OR minus
29 days (it rolls)

90 Day Time Period

- If no WARN event in a 30- day period, **expand to 90 days** (D-Day plus OR minus 89 days)
- But if WARN Event in a 30-day period, **do not go beyond 30 days**

Counting Mobile and Outstationed Workers

Workers who travel or are outstationed

- Arguably must be mobile (“duties require travel from point to point”)
- Work outside of employer’s regular employment site
- Examples from regs: railroad workers, bus drivers, salespersons

If these conditions apply assign employees to:

- Home base
- Location from which work is assigned to employee
- Location to which employee reports



Counting Work From Home Employees



- WFH employees are stationary, not mobile (not like bus drivers)
- Arguably work at a regular employment site (their home)
- Two Options:
 - Apply outstationed worker regulation and
 - Treat home as the only “single site of employment” (never a WARN event)
 - Consistent with legislative purpose?
- **CAUTION:** California and New Jersey are different (of course)

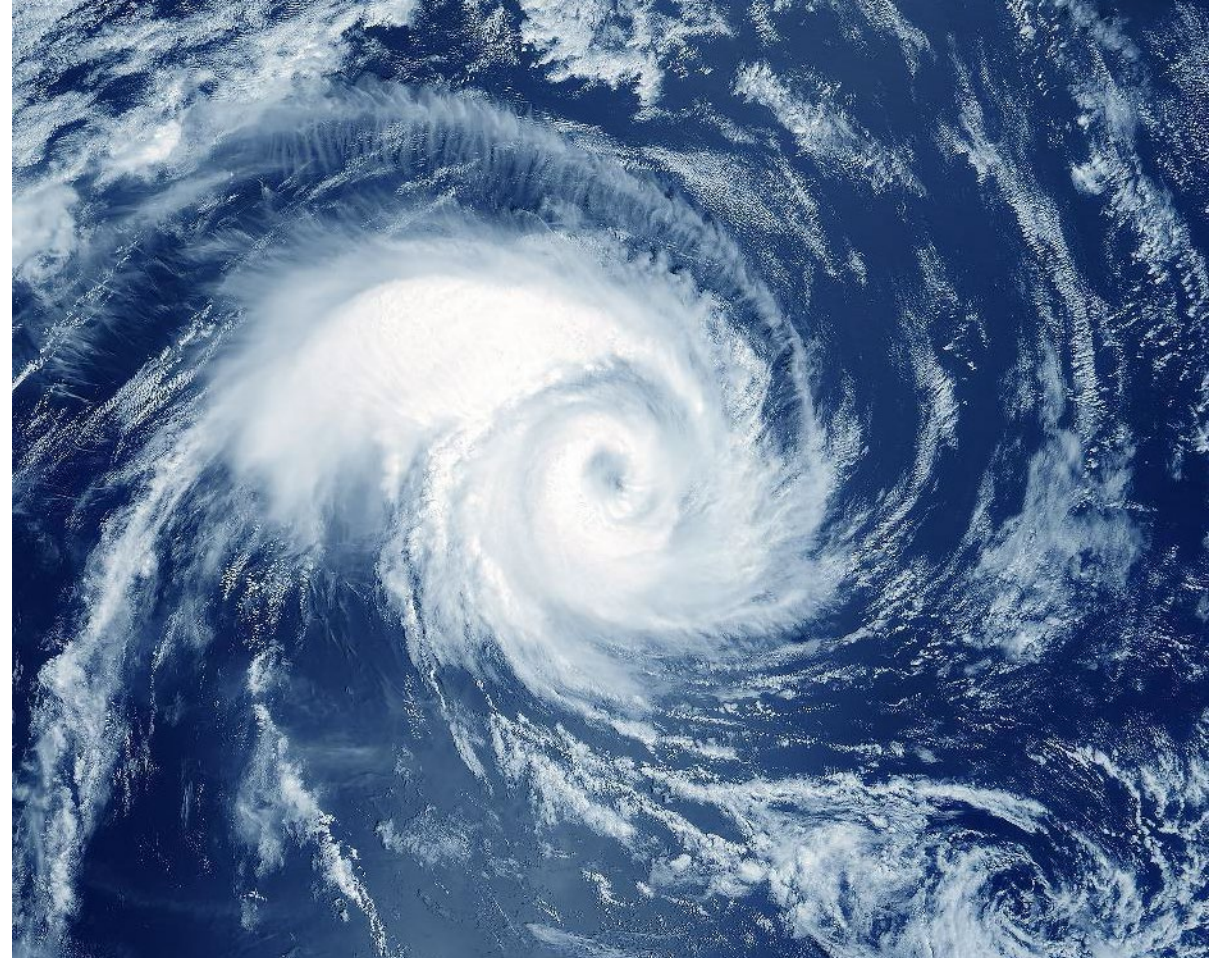
WARN: Who Is Entitled To Notice?

- Written notice must be provided **at least 60 calendar days** in advance of date employee will be terminated.
- Employer must provide notice **to affected employees, unions, state dislocated worker unit and chief elected official of local government within which RIF occurred.**
- Government notice not always given



Are There “Exceptions” to Notice Requirements?

- Faltering Company “Exception”
- Unforeseeable Business Circumstances “Exception”
- Natural Disaster “Exception”



Can We Pay “in Lieu of Notice?”

Pay and benefits

- The benefits challenge
- 60 workdays pay for hourly in Third Circuit (*North Star*)
- Doesn't work in MD or NJ

Non-compliance with WARN – civil liability for non-compliance

Payment within 3 weeks deflects \$500 daily penalty

Must be “free and clear” of any other obligation or condition

- No Release!
- Separate from any severance pay plan or policy
- Can not integrate or offset severance pay plan or obligation

Mini-WARN; Major Differences

- States (and 1 city and 1 territory) with mini-WARN Acts: CA, DE, HI, IL, IA, ME, MD, NJ, NJ, NY, OH, TN, VT, WA, WI, Philadelphia, VI
- Different numerical triggers CA, IL, IA, MD, NH, NJ, NY, VT, WA, VI
- Longer notice (90 days): NJ, NY, ME, VI
- Shorter notice: IA, VT
- No unanticipated business circumstances exception: CA, MD, ME, NJ, Philly
- Mandatory severance: ME, NJ



Selection Procedures

Selection Criteria

Identifying the Business Reasons Determines. . .

The organization(s)
impacted by
the RIF

The categories of
positions impacted
by the RIF

The general timing
of the RIF

The types of
selection criteria
that will be used

Selection Criteria

- Importance of doing this early in process
- Determining bargaining obligations
- Anticipating WARN & other timeline issues
- Establishing consistency in decision-making
- Documentation for releases – OWBPA disclosure
- Documentation for litigation
- Script for internal and external communications



The Selection Criteria

- Total discretion of managers
- Elimination of particular jobs
- Selection among multiple positions
- Performance and skills
- Seniority, location, discipline record



Identify and Apply Selection Criteria

- Different organizations within company can choose different selection criteria
- **The key:** HR must act as gatekeeper to ensure criteria are being applied consistently within each organization



Manager Selection Worksheet

[illegible]

HR Selection Worksheet

[illegible]

Why Engage in the Statistical Analysis of RIF Selections?

Analyze the exposure created by alternative patterns of RIF selections, under privilege

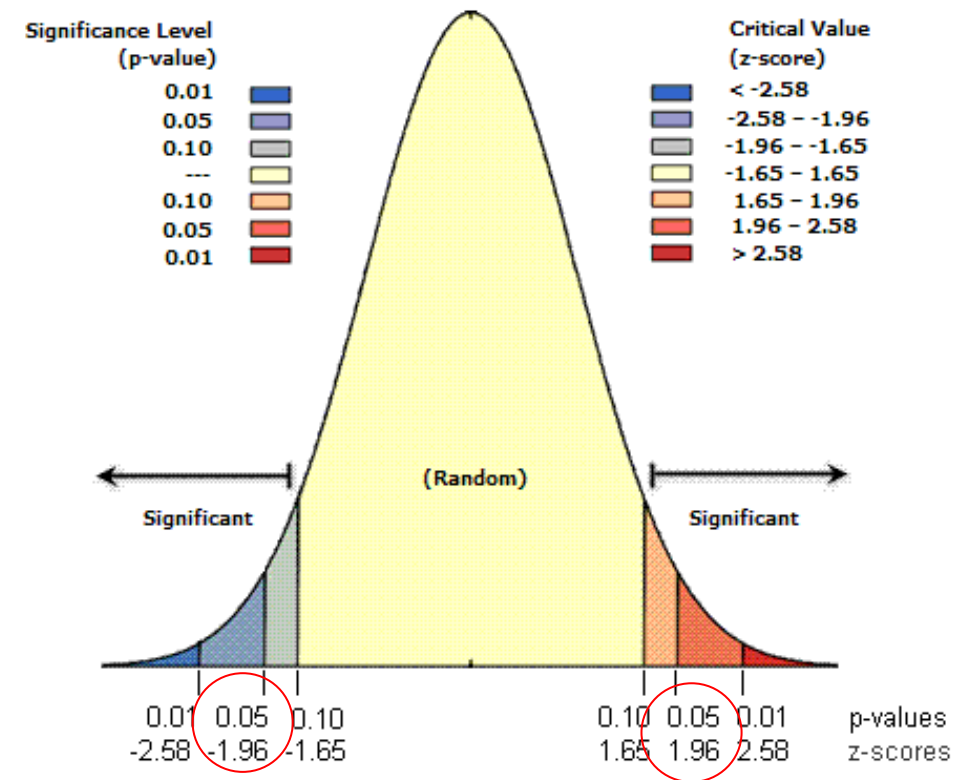
- Exposure results from the various ways of attacking any pattern of RIFs
- How would the employer fare if plaintiffs challenged the RIF as a whole or targeted particular decisional units?
- Potential for “false positives” and “false negatives”

Satisfy EEOC Guidelines re RFOA, 29 CFR §1625.7(e)(2)(iv)

- Considerations that are relevant to whether a practice is based on a reasonable factor other than age include, but are not limited to, the extent to which the employer assessed the adverse impact of its employment practice on older workers

Considerations for Statistical Analysis

- Standard deviation
- “Statistical significance” vs. “Practical significance”
- Applying additional controls for non-demographic factors
- Isolating problem areas



Source: esri ArcGIS Desktop, <https://desktop.arcgis.com/en/arcmap/10.7/tools/spatial-statistics-toolbox/what-is-a-z-score-what-is-a-p-value.htm>

Privilege and Adverse Impact Analysis

- Typical scenario is Legal Team works with HR at Legal's direction
 - Attorney work product privilege would apply to analysis itself
 - Attorney client privilege would protect communications with HR, statistical consultants and outside counsel
- Conducting privileged analysis preserves integrity of process and helps protect privileged communications related to rejected alternatives from being discoverable in litigation
- If managers or HR conduct their own adverse impact analysis without cloak of privilege, selection process may be discoverable in litigation and used by claimants as evidence of unlawful discriminatory intent
 - Example - *Fuller v. Edward Stimpson Co.* (SD Fla 2013) – company's Workforce Review spreadsheet was discoverable and demonstrated that they used demographic data to “racially balance” termination decisions



Severance/ Separation Agreements/ OWBPA

Compassionate Terms

- Severance
 - Calculation
 - Clawbacks
 - COBRA premium payment continuation
 - Bonuses
 - Outplacement
- Treatment of Employees on LOA or with upcoming LOA
- Don't introduce new restrictive covenants

Enforceable Releases

- Tips for drafting an enforceable release:
 - Use plain language
 - Specifically identify standard claims being released (e.g., Title VII, ADEA, state discrimination laws, vacation pay, negligence)
 - Allow employee time to review before signing
 - Offer greater compensation than employee would otherwise be entitled to
 - Representation regarding pending claims
 - Advise to consult with a lawyer
 - Comply with the OWBPA for employees 40 or over
 - Consider 50-state appendix for state law nuances

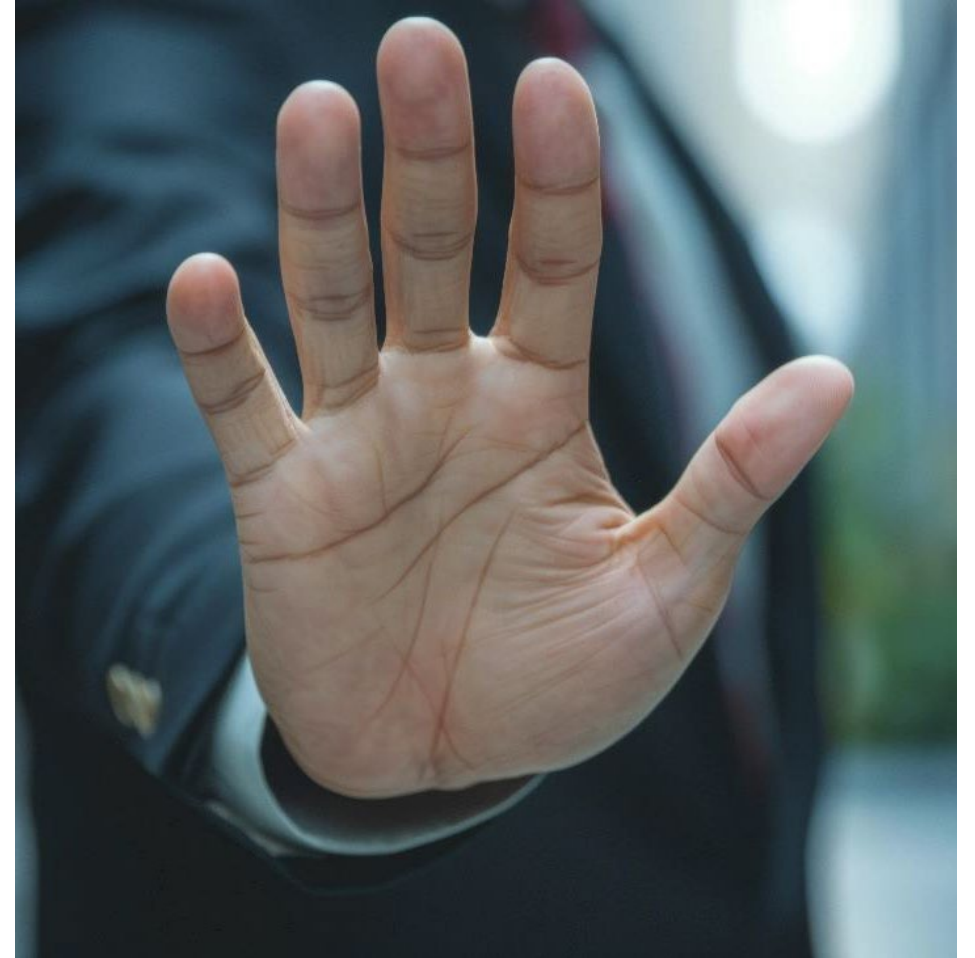
What You MUST Include

Special state law requirements as of November 2025:

- MA, WV and NJ state statutes
- Minnesota time limits: 15 days to revoke (for all claims)
- WV Human Rights Act, reference to toll-free number of the West Virginia Bar Association (1-866-989-8227),” limitation on confidentiality, use of 45/7 and OWBPA disclosure for everyone (not just those age 40 and over), severance calculation factors
- CA, ND, SD, MT – unknown claims
- Language similar to the Federal Speak Out Act in LA, RI, TX, UT, VA
- #MeToo rights in AL, CA, CO, HI, IL, NV, NJ, NY, OR, WA for pre-claim releases
- CO requires language in addendum
- Post-claim releases additional language: CA, HI, IL, ME, NV, NJ, NM, NY, OR, UT, VT

What You CANNOT Release/Require

- Right to file charge with EEOC, NLRB, SEC
- Bounty claims
- Right to file claims for unemployment
- Right to file claims for workers' compensation and disability
- Right to vested benefits under ERISA
- Claims under FLSA
- Right to take FMLA leave
- Claims that arise after employee signs
- Tender back
- Consider any unique state law prohibitions



Common Red Flags in Clients' Agreements

- ▣ Attempted release of FLSA claims
- ▣ Client won't oppose unemployment
- ▣ *McLaren* violations
- ▣ #MeToo violations
- ▣ Missing/deficient/outdated protected rights language
- ▣ Restrictive covenants
- ▣ Arbitration provisions
- ▣ Possibility of signature before the separation date

OWBPA “Knowing And Voluntary” Minimum Requirements

Written agreement written in manner calculated to be understood by employee

Release must specifically refer to ADEA claims

May not waive rights or claims arising after date of waiver

Employee must receive consideration

Must be advised to consult an attorney

Must be given 21 days (45 days if group program) to consider / 7 days to revoke

Group Releases: Termination Programs

- “Group Termination Program” — any termination involving two or more employees where the employer offers consideration for the signing of a waiver. 29 CFR § 1625.22(f)(1)(iii).
- OWBPA Disclosure: If part of group, must provide job titles and ages of those eligible and not eligible within “decisional unit” for severance/incentive program.
- Must give employees enough information about the program to make an informed decision whether to sign the waiver.



Group Releases: The Decisional Unit

- Decisional Unit: class, unit or group of individuals considered
 - “that portion of the employer’s organizational structure from which the employer chose the persons who would be offered consideration for the signing of a waiver and those who would not be offered consideration for the signing of a waiver.” 29 C.F.R. § 1625.22(f)(3)(i)(B).
 - In laypersons’ terms: The population from which the Company has chosen employees who will be laid off and asked to sign a release **and** those who will not be laid off.



Group Releases: The Decisional Unit

Following the Decision Path	Decisional Unit
(a) To cut costs, the Accounting Manager who oversees the Accounting Department tells the Accounts Payable (A/P) supervisor to eliminate two A/P clerks. The supervisor assesses only the A/P clerks and selects two for layoff. She informs the Manager, and the Manager approves.	The A/P clerks
(b) The Accounting Manager tells the A/P supervisor and the Accounts Receivable (A/R) supervisor they each need to eliminate two positions. The A/P supervisor and the A/R supervisor separately assess their direct reports make recommendations to the Manager. The Manager reviews and evaluates the recommendations and decides one of the selected A/P clerk has a valuable skill, vetoes his layoff, and approves the remaining decisions.	The A/P and the A/R divisions of the Accounting Department are one Decisional Unit
(c) Same as in (b), but the Accounting Manager does not examine the supervisors' decisions regarding the individuals selected for layoff and simply approves the supervisors' selections based on the previously stated obligation to cut two positions each.	The A/P and A/R divisions are two separate Decisional Units

Decisional Unit and OWBPA Disclosure

Decisional Unit Description

Under/Overinclusion Problem
Not Clearly Defined Selection Process

Eligibility factors

Selection factors (part of eligibility): how specific do they need to be?

Time Limits: the 45/7 rule

Job Listing

- Do Not include names on the disclosure
- Should include: job title, age, number eligible for severance benefits, number ineligible for severance benefits
- Do not list foreign employees

LITTLER MENDELSON, P.C.
RIF MASTER CLASS MAY 2025
SAMPLE OWBPA DISCLOSURE
Attachment |

Federal law requires that when an employee who is 40 or more years of age is offered benefits and asked to sign a separation agreement and release in connection with a group employment termination program, the employee must be provided certain information.

You and other employees selected for a group employment termination program are eligible to receive certain severance benefits from [COMPANY NAME] (the “Company”) as described in the attached Separation Agreement and General Release (“Agreement”) that the Company has given you to consider. To receive the severance benefits described in the Agreement, you must sign the Agreement and return it to [NAME and CONTACT INFORMATION], no earlier than your Separation Date and no later than 45 days from the date you received the Agreement.

Due to an unexpected decrease in business during the First Quarter 2023, the Company enacted a plan to dramatically reduce expenses, including decreases in spending, elimination of unprofitable lines of business, and elimination of certain positions. The decisional unit considered in connection with this group employment termination program is all employees of the Company below the level of Executive Vice President, with the exception of employees located in the New York office. Employees were selected for the group employment termination program based on skill set and experience, prior performance, and anticipated needs of the Company following the restructuring of its operations.

The Company is providing you with information showing the ages and job titles of employees in the decisional unit who are eligible and ineligible for severance benefits. If an employee is listed as “ineligible,” this is because, as of the date indicated below, the employee’s employment will not be terminated as part of this group employment termination program, the employee was transferred to an alternative position, or the employee is not otherwise eligible for severance. The employees who are listed as “eligible” are those whose positions will be eliminated as part of this group employment termination program and who are eligible for severance in exchange for signing an Agreement. Footnotes, if any, in the chart provide additional information regarding eligibility and other information.

Based on the Company’s business needs, eligible employees have ceased and will cease work for the Company on different dates, which actual and anticipated dates are indicated in the attached chart. The attached chart is cumulative, so you are being provided with ages and job titles for everyone in the decisional unit when the restructure began as well as the ages and job titles for everyone in the decisional unit to date. The ages are calculated as of [DATE] for persons terminated on that date or persons who are ineligible; for individuals separated prior to [DATE], ages are calculated as of their actual Separation Date.

As set forth in the Agreement, you have up to 45 days to review and sign the Agreement and return it to the Company. You will also have 7 calendar days after you sign the Agreement to change your mind and revoke the Agreement. You will not receive the money and benefits described in the Agreement until this period expires.

The attached chart was prepared as of [DATE]. This information is subject to change and may be affected by future employment decisions. If you have any questions about this information, contact [NAME and CONTACT INFORMATION].

Customize to reflect: 1) reasons underlying the RIF; 2) decisional unit considered; 3) criteria used to select employees for the RIF

Delete if inapplicable

Use this paragraph only where there are multiple phases to a RIF. If so, modify as applicable. If not, delete.

Department	Job Title	Age of Eligible as of [DATE]	Age of Ineligible as of [DATE]	Actual or Anticipated Separation Date as of [DATE]	FN

Consider using department, location and/or other delineator in a large organization if it will help employees to find themselves on the chart. Delete last column if N/A.

Footnote Legend:

- 1 ineligible since voluntarily resigned
- 2 ineligible since employment terminated for reasons other than group employment termination program
- 3 ineligible since offered and accepted alternative position with the company

Revise footnotes as applicable



Communications and Workplace Violence

Communications



- Notifying selected employees individually or as a group
 - Use a **written script** for consistency
 - Consider having a **witness**
 - **Timing of release distribution**

Communications

- Plan for communication to public officials, the media, vendors, suppliers and other interested third parties.
- Who will serve as the company's spokesperson?
- Should the company engage a public relations consultant?



Communications

- **Do Not Neglect Retained Employees**
 - Develop retention plan for key employees
 - Notify retained workforce (huge morale issue, but beware of promises)
 - Notify absent employees



Communications

- **Security Concerns**

- Immediate termination or retained for a period
- Ensure all company property is secured and evaluate network access issues
- Decide in advance of protocol for laid off employee return of personal property including items stored on company computers



Communications: Workplace Violence Concerns

- Client options:
 - Consider having **EAP representatives / counselors / outplacement representatives on site**
 - Be mindful of employees who have expressed suicidal ideations or are experiencing mental health issues
 - Consider **additional security personnel** (e.g., off-duty police officers)
 - **Advise applicable building security and receptionists** of layoffs and persons not authorized on property following RIF
 - Take **all potential threats seriously and involve police** as appropriate

Sign Up for a Demo

Three ways to sign up for a demo:

1. Reply “Yes” to the on-screen poll
2. Visit our website: Compliancehr.com
3. Email our team at demo@compliancehr.com

Benefits of a custom demo:

- Discuss your organization’s requirements/challenges
- Review Navigator Suite Solutions
- Share compliance methodologies

ComplianceHR Demo & Free Trial:

<https://compliancehr.com/webinar-demo/>

Resources

[Compliance HR - Demo & Free Trial](#)

[State-by-State CLE Guide](#)

[BeaconLive - How to Access Certificates](#)



Compliance **HR**
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Thank You

This information provided by Littler is not a substitute for experienced legal counsel and does not provide legal advice or attempt to address the numerous factual issues that inevitably arise in any employment-related dispute. Although this information attempts to cover some major recent developments, it is not all-inclusive, and the current status of any decision or principle of law should be verified by counsel.

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