

PRACTICE AREAS

Reductions in Force / WARN / OWBPA

Roffman Horvitz assists clients with analyzing employer reductions in force (RIFs) to ensure that the employer's decisions are not having an unintended adverse impact by gender, race/ethnicity, or age. The Firm's attorneys also assist clients in developing legally, factually, and analytically appropriate decisional units for group terminations under the Older Workers Benefits Protection Act (OWBPA).

This is not a mechanistic process and ought to be conducted under the protection of attorney-client privilege. Identification of the decisional unit(s) from which selections are being made is both a factual and legal inquiry. Moreover, it is essential to understand exactly what is driving the statistical results before concluding that there is an adverse impact issue. To this end, we do not simply take the results of the statistical tests at face value. Instead, we get underneath the numbers and evaluate whether there are any organizational-based, location-based, or job-based demographic differences among the employees affected by the layoff before concluding that a top-line disparity reveals an adverse impact problem. It's this type of careful analysis that distinguishes our approach.

We also advise employers regarding the Worker Adjustment and Retraining Notification (WARN) Act and state and local mini-WARN acts.