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SECTION EC1

ASK THE EXPERTS

A weekly Q&A where CareerBuilder experts offer advancement strategies.

My husband's company suddenly "RIF'd" 50 managers. We don't know what selection method was used, nor can we determine if the process targeted managers of a certain age group. According to the WARN Act, employers must give at least 60 days' notice if 33 percent, or at least 50 employees, are terminated from a single facility. Do employees have any rights with respect to sudden reduction-in-force terminations if established financial information does not support a need to cut staff?



**Lori Higuera,
Fennemore
Craig**

Expert No. 1: Assuming the WARN Act applies, the employer must give affected employees 60 days' notice unless staff reductions are the result of natural disaster or other unforeseeable business circumstance, or the employer seeks to avoid or postpone the layoff and notice may damage such efforts. Absent these exceptions, the employer must notify employees whether the layoff is permanent or temporary, the expected date of the layoff and separation, whether bumping rights apply, and provide contact information. Additionally, if the employer offers affected employees who are 40 or older an opportunity to participate in a severance package, the Age Discrimination in Employment Act requires that the employer provide information regarding employee groups covered, eligibility, time limits, titles and ages of employees selected and not selected for the program.

Expert No. 2: The WARN Act applies only to employers who have 100 or more full-time employees who have worked more than six of the past 12 months. One circumstance that triggers a WARN notice is a mass layoff, but only if the layoff results in a loss of 500 or



**Joseph T. Clees,
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PC**

more employees at an employment site during any 30-day period, or for 50-499 employees if they make up at least 33 percent of the active workforce. If your husband and the other terminated managers were offered exit incentives or severance benefits in exchange for a waiver of claims, the Older Workers Benefit Protection Act requires employees to be informed of the class, unit, or group of individuals covered by such program, any eligibility factors or time limits, and the job titles and ages of all individuals eligible or selected for the program.

Send questions to Ask the Experts, The Arizona Republic, 200 E. Van Buren St., NM19, Phoenix, AZ 85004. E-mail to newsexperts@arizona-republic.com or fax 602-444-8044.

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