



# The Office of Compliance Recognizes WARN

The Office of Compliance recognizes the enactment of the Worker Adjustment Retraining Notification Act of 1988 (WARN). Enacted as a response to the rash of plant closings and layoffs, and passed by a veto-proof majority in both the House and Senate, WARN offers workers protections by requiring that certain employers give 60 days' written notice to affected employees or their bargaining representatives (e.g. labor union) about an office closing or mass layoffs. This notice allows workers and their families some transition time to adjust to the possible loss of employment, to seek and obtain alternative jobs, and if necessary, to enter skill training or retraining to enable the workers to successfully compete in the job market.

Section 205 of the Congressional Accountability Act (CAA) applies certain rights and protections of the WARN Act to covered employees of the House of Representatives, the Senate, the Congressional Budget Office, the Government Accountability Office, the Library of Congress, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Office of Congressional Accessibility Services, and the United States Capitol Police.

Under the CAA, notification must be provided to employees when offices within the Legislative Branch anticipate that they will be conducting an office closing, mass layoff, or will be privatizing or selling some or all of their operations, and plan to undergo an office closing or mass layoff as part of that transaction. Notice is only required if the employing office employs either 100 or more employees, not including part-time employees; or 100 or more employees, including part-time employees, who collectively work at least 4,000 hours per week without counting overtime.

There are situations where an employer is not required to provide a 60-day notice. Notice is not needed where an office closing or mass layoff is conducted to relocate or consolidate some or all of the office's operations and the office offers to transfer affected employees to a different site of employment within a reasonable commuting distance and with no more than a 6

An *office closing* is a permanent or temporary shutdown of an employment site (or one or more facilities or operating units within an employment site) if the shutdown results in an employment loss for 50 or more employees within any 30-day period. A mass layoff is a reduction in an employing office's workforce which (1) is not the result of an "office closing" and (2) results in an employment loss at a "single site of employment" during any 30-day period for at least 50 employees (and at least 33 % of the active workforce), not including part-time employees. An office closing differs from a mass layoff in that an office closing involves employment loss through the shutdown of either an entire site or distinct units within a site, and a mass layoff involves employment loss without such a shutdown.

month break in employment. Additionally, notice is not necessary if the employing office is closing a temporary facility or laying off employees after a specific project has ended; and, only if the office hired the affected employees with the understanding that their terms of employment were limited to the duration of the facility or project. Notice may be given less than 60 days in advance where the office closings or mass layoffs are caused by circumstances that the employing office could not reasonably foresee at the time when it would have had to give 60-days' notice. Finally, notice may be given less than 60 days in advance when office closings or mass layoffs are directly caused by natural disasters such as floods, earthquakes, droughts, and storms. Even with these exceptions, the employer must still give as much notice as is practicable. When the notices are given, they must include a brief statement of the reason for reducing the notice period in addition to the items required in notices.

An employing office that violates Section 205 by ordering an office closing or mass layoff without the appropriate notice is liable to each aggrieved employee for an amount that can include back pay and benefits for the period of the violation, up to 60 days. For more information, call the Office of Compliance at (202) 724-9250 or visit [www.compliance.gov](http://www.compliance.gov).

