



FYI

*Office of Compliance - -
Advancing workplace rights, safety, health, and accessibility in the Legislative Branch*

The Worker Adjustment and Retraining Notification Act, as applied by the Congressional Accountability Act

Section 205 of the Congressional Accountability Act (CAA) extends certain rights and protections of the Worker Adjustment and Retraining Notification Act (WARN) to covered employees. Specifically, Section 205 provides that no employing office can be closed or a mass layoff ordered until after affected employees or their exclusive representative or bargaining agent have received written notice 60 days in advance. This 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.

WHO IS COVERED

Employees of:

- Senate
- House of Representatives
- Congressional Budget Office
- Government Accountability Office
- Library of Congress
- Office of Compliance
- Office of Congressional Accessibility Services
- Office of the Architect of the Capitol
- Office of the Attending Physician
- United States Capitol Police



WHO MUST GIVE NOTICE

- An employing office that is anticipating an office closing or mass layoff and 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.
- An employing office that has previously announced and carried out a “short-term layoff” to last less than 6 months, and later chooses to extend the layoff for longer than 6 months because of unforeseen circumstances.
- An employing office that is privatizing or selling some or all of its operations, and plans to undergo an office closing or mass layoff as part of that transaction.

WHAT TRIGGERS THE NOTICE REQUIREMENT

Office Closing:

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.

- An employment loss means either (1) an employment termination (other than for cause, voluntary departure, or retirement); (2) a layoff exceeding 6 months; or (3) a reduction in an individual employee's work hours of more than 50 percent during each month of any 6 month period.

- Even if employment losses of two or more groups of workers during any 30-day period are below the thresholds to trigger notice requirements, notice may still be required if the employment losses during any 90-day period, added together, reach the threshold.

Mass Layoff:

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 33 percent of active employees, not including part-time employees; and

- At least 50 employees, not including part-time employees.

Where the layoff affects 500 or more employees (excluding part-time employees), the 33 percent requirement does not apply.

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.

NOTICE REQUIREMENTS

- Must be in writing and include:
 - (1) The name and address of the employment site where the office closing or mass layoff will occur, and necessary contact information;
 - (2) A statement as to whether the planned action is expected to be permanent or temporary; and whether the entire office is to be closed;
 - (3) The expected date of the first termination and the anticipated schedule for all planned terminations;
 - (4) The job titles of positions to be affected and the names of the workers currently holding affected jobs; and
 - (5) An indication of whether or not the right to displace another employee exists.
- Any reasonable method of delivery to the parties is acceptable.
- Notice must be delivered to the collective bargaining representative of all affected employees or the affected employees themselves, including part-time employees.
- Notice must be delivered at least 60 calendar days before any planned office closing or mass layoff.



EXCEPTIONS TO NOTICE REQUIREMENTS

- *Transfers*: No notice is needed where an office closing or mass layoff is 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 month break in employment.

- *Temporary employment*: No notice is needed 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.

- *Unforeseeable business circumstances*: 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.

- *Natural disasters*: 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, storms, and tsunamis.



AVAILABLE REMEDIES

- 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.

WHERE TO GET HELP

- Whether you're a manager in an employing office wondering what your responsibilities are under the CAA, or whether you're an employee wondering what protections you have, you may contact the Office of Compliance to gain additional information about the impact of WARN in the Congressional workplace.



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The Office of Compliance advances safety, health, workplace rights, and accessibility in the U.S. Congress and the Legislative Branch. Established as an independent agency by the Congressional Accountability Act of 1995, the Office educates employees and employing offices about their rights and responsibilities under the Act, provides an impartial dispute resolution process, and investigates and remedies violations of the Act.

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