



Homeland
Security

A handwritten signature in blue ink that reads "Anthony J. Lewis".

TO: DHS Heads of Contracting Activities

FROM: Department of Homeland Security; Office of the Chief Procurement Officer;
Director, Policy and Acquisition Workforce

SUBJ: Department of Labor (DOL) Issues Worker Adjustment and Retraining Notification (WARN) Act Guidance

- 1. Introduction:** Private and public sector entities have raised questions about whether the Worker Adjustment and Retraining Notification (WARN) Act requires Department of Homeland Security (DHS) contractors to provide WARN Act notices to employees because of concerns that their contracts may be terminated or reduced in the event of a sequester on January 2, 2013.
- 2. Guidance:** In order to provide guidance to those potentially affected by a sequester order, the Department of Labor (DOL) has issued guidance to State workforce agencies. The DOL is the federal agency responsible for implementing the WARN Act.

The DOL guidance concludes that federal contractors – including DHS contractors – are not required to provide WARN Act notices 60 days before January 2, 2013 in anticipation of a potential sequester order that could be issued on that date. The DOL guidance further explains that to provide such notices would be inconsistent with the purposes of the WARN Act.

- 3. Effective Date:** This Acquisition Alert is effective July 30, 2012.
- 4. Archive Date:** January 2, 2013
- 5. Additional Information:** If DHS contractors have additional questions about the application of the WARN Act to the prospect of sequestration, they should consult the DOL guidance (http://wdr.doleta.gov/directives/corr_doc.cfm?docn=6487), the DOL website on the WARN Act, their State workforce agencies, or their legal advisers.

Distribution Instructions:

Disseminate to Component Acquisition Executives, Acquisition Staff, Program Offices, Financial Personnel, Legislative Affairs, and Purchase Cardholders. In this instance, please also disseminate to all DHS contractors.