

Five Steps to Keep Layoffs Legal

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Whether you call it a reduction in force (RIF), a mass layoff, "rightsizing" or a scale back, letting go of employees is never an easy move. Besides the emotional strain and negative impact on morale that accompanies a RIF, employers need to tread carefully when laying off staff for fear of triggering an employment lawsuit. An employer facing the prospect of trimming its workforce should consider five steps:

- First and foremost, stop and consider whether you need to conduct layoffs at all. Consider hiring freezes, wage freezes, voluntary separation plans, or other cost-cutting measures that might spare your workforce.
- Once you have decided that a layoff will need to take place, make sure you have documentation in place that definitively shows the reasons for the layoff. Proof can be as basic as an internal memo describing the reasons for the layoff.
- The biggest decision you will face is how to select the employees who will be let go. The best way to start the process is to agree on what goals you hope to accomplish by conducting layoffs.
- Once you arrive at established criteria, selecting your "layoff list" should be something close to a formality. You should make sure the list is reviewed by someone (or a group committee) who was not involved in the decision-making process.
- Finally, once you have a finalized list that has been thoroughly vetted, you should carefully plan out the implementation process. Select the most fair and respectful way to deliver the news, providing those unfortunate employees with the same kind of dignity you would hope would accompany your own termination.

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