

A Littler  
**Webinar**

THE LITTLER AND VF&CO HR WEBINAR SERIES  
PART 1: BEST PRACTICES • LEGAL UPDATES • WHAT'S NEW  
*LAYOFFS, TERMINATIONS & RELATED SERVICES*

**Littler**  
Employment & Labor Law Solutions Worldwide™

  
Valerie  
Frederickson  
& Company  
An HR Services Firm

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presented by

**Marlene Muraco**  
Shareholder  
Littler – San Jose Office

**Valerie Frederickson**  
Founder and CEO  
Valerie Frederickson &  
Company

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Introduction



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### Agenda

- Legal Update – RIFs
- New Best Practices
- Q&A



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## Employment Law Update with respect to RIFs



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### Top 7 RIF Mistakes

1. Failure to Consider Alternatives to Layoffs
2. Failure to Establish a Defensible Selection Process
3. Failure to Follow the RIF Process You Created
4. Failure to Do Statistical Analysis
5. Failure to Comply with WARN
6. Failure to Properly Draft a Release
7. Failure to Consider the Human Side



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### Legal Update – RIFs

- EEOC to issue final rule on disparate impact and reasonable factors other than age under the ADEA
- Expanded definition of “sex” under FEHA



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### Legal Update – RIFs

- Inclusion of “genetic information” as a protected category under FEHA
- Increased penalties for misclassification of independent contractors
- Wage Theft Prevention Act



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### New Best Practices



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### Pay Attention to Timing



- Time of day
- Day of week
- Early in the month
- Timeline for activities
  - Pre-notification
  - Post-notification
- Special issues

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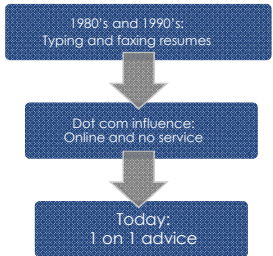
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### Career Transition Services Evolving



1980's and 1990's:  
Typing and faxing resumes

Dot com influence:  
Online and no service

Today:  
1 on 1 advice

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### Evaluating Outplacement Vendors Top 5 Must Haves



Immediate access    Personalized communications    Consistency    Skills-Market match    Social media strategy

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When Money is Tight



Unbundle and save

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Questions and Answers



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Thank you



Valerie Frederickson & Company  
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