



Weekly Wright Report (11/6/17)

GOVERNMENT CONTRACTING

OFCCP Compliance Assistance

One of the questions we get asked frequently from those doing business with the federal government is how to determine whether they are required to develop an affirmative action program (AAP). The short answer is that it depends on the size of the federal contract or subcontract and the size of the workforce. To make this jurisdiction question a little easier to answer, the Office of Federal Contracts Compliance Program (OFCCP) created a **jurisdictional threshold “cheat sheet.”**

This printable infographic includes:

- Specifications on basic (non-AAP) coverage for all of OFCCP’s laws,
- Inflationary adjustments for two of OFCCP’s laws, and
- Contract amount and employee counts for AAP coverage under all of OFCCP’s laws.

Make sure your business is in compliance. For more information, ask Don DWalsh@wcslaw.com

EMPLOYMENT LAW

When to Warn Employees Under the WARN Act

The Worker Adjustment and Retraining Notification (WARN) Act in the U.S. requires that employers give sixty days’ notice to their employees before effecting a mass layoff. Failure to provide notice will result in the employer having to pay the employee for up to a maximum of 60 days.

The WARN Act contains exceptions to the notice requirement, including the “unforeseeable business circumstances” exception, excusing notice if “the closing or mass layoff is caused by business circumstances that were not reasonably foreseeable as of the time the notice would have been required.” Recently the Third Circuit Court of Appeals agreed with other courts that after a careful fact intensive analysis, employers do not need to warn under the WARN Act unless circumstances causing layoff are probable. Ask Paul PEvelius@wcslaw.com

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Have You Checked Glassdoor?

Many companies wish that the website Glassdoor didn't exist. Unfortunately, in our age of technology, and the ability to post anonymously on-line, it is here to stay. Glassdoor allows users to post reviews of everything from a company's hiring process and workplace culture to salary levels and management style. It lists over 600,000 employers in 190 countries. Considered a go-to website for employee-generated information, Glassdoor attracts about 34 million unique visitors a month and draws frustration from Human Resources professionals and management who often do not know how to respond to negative comments from disgruntled employees, former employees and job seekers.

The keys for companies to stay out in front of the information on Glassdoor is to know:

- What has been posted about your company
- How to respond to such information posted
- How to address questions raised when interviewing candidates
- How to use the feedback from current and former employees to make constructive changes to your workplace policies, practices, leadership and, ultimately, culture.

For more information, ask Laura LRubenstein@wcslaw.com

What do your Job Descriptions Say?

Written position descriptions are extremely valuable, yet often companies do not realize that until it's too late. Descriptions are used in a multitude of situations to protect a company and to convey expectations for the employee at the outset of the employment relationship. For example, they should be used to advertise for new employees and during the interview process; to convey expectations for how employees can meet and exceed performance standards; to address the physical demands and mental skills and abilities needed; and to clarify work hours, locations, supervisors, and other tangential requirements. Importantly, companies rely on job descriptions when it comes time for performance evaluations and when an employee is seeking a workplace accommodation.

Written position descriptions should be reviewed and updated regularly by management and the employees themselves to ensure accuracy. To discuss your position descriptions or to obtain a legal review, ask Steve SKaufman@wcslaw.com