Twenty Questions You Must Answer Before a Lay-Off



Many managers will be asked to communicate lay-offs for the first time in their careers. This may be the first time you may have to manage such a difficult task. Before you sit down with an employee, make sure that you can answer the following questions:

1. Do you know all the basic facts of the lay-off that the employee will care about such as: Will severance packages be provided and, if so, what are the details?
2. What are the outstanding processes, assignments, or reports that could affect the final paycheck such as final expense reports? How should tasks be prioritized during remaining work periods? What work should be handed-off and to whom?
3. Your employee may ask you to explain why his or her layoff makes business sense for your organization. To provide an appropriate answer, you need to know the critical functions of the employee's job
4. Make sure you are ready for "Why me and not my co-workers?"
5. Do you know the organization's real investment in the employee including salary, benefits, office or other workspace costs, training costs, etc? Again, these facts may help you explain why this layoff makes business sense in light of those costs.
6. Do you know the external financial picture or other market facts that explain the lay-off?
7. Have you considered other options like reassigning the employee? You may need to explain to the employee why the organization did not make that choice. Moreover, this option is worth serious consideration as, should your organization decide to replace this worker down the road, the costs of recruiting, hiring, and orientation will be significant.
8. Is there anything unusual about his layoff that may create legal red flags? For example, is the employee more senior than others in the group who are not losing their job?
9. Have you prepared a piece of documentation, reviewed by HR, that will serve as your outline of what you will say when you meet with the employee? If is often recommended that you not give documentation at that meeting, but supply it as follow-up to the employee after the meeting. This two-step approach will keep your meeting more intimate and natural as well as allow you to include in the documentation any new facts or issues that arise in

the meeting itself.
10. Have you practiced what you will say in front of HR or another trusted colleague who has business-related need to know about the situation?
11. Have you set up one-on-one meetings with each person who reports to you who will be losing his or her job? Have you arranged these meetings at the soonest possible times once?
12. you know who is to be laid off? You want to disseminate specific, accurate information before the rumor mill provides possibly inaccurate information for you.
13. Have you arranged a group meeting with remaining employees immediately after the oneon-one meetings?
14. Have you limited the one-on-one meetings to 15 minutes each? It is often better to have a shorter initial meeting and then be available later than to have a prolonged initial meeting.
15. Have you told yourself that you will not say, “I know how you feel”? Avoid anything that the employee could construe as patronizing and stick with comfort such as “I am sure this is upsetting” or “I really am sorry for you. I don’t like being the person to give you such bad news.”
16. Have you planned what specific statement of compassion you will make to each employee? Consider this example: “After seven great years working together, I have news today that makes me sad and is sure hard to tell you.” If you cannot say something along these lines in the first person, specifically and earnestly, someone else should handle this lay-off.
17. Do you know what the options are for the employee to organize his or her personal items? If you are having someone leave immediately, consider whether you can give them the option to clean out their desk either right away or come back to do so that evening.
18. Have you committed to yourself not to blame the layoff on someone else in the organization? For example, do not attribute it to something like “bad decisions by the higher ups.”
19. Of course you can encourage the employees to begin thinking about his or her future. However, do not promise anything you cannot provide.
20. Can you describe the support available to laid-off employees? Consider the following: What does HR offer in the way of counseling? Do you have an employee assistance plan? Is there an out-placement program? Whatever tools exist, make sure to remind the employee of them. What will you say to make sure that the employee understands that the decision is irrevocable?
21. Have you accepted that, even if you handle the conversation in the best possible manner, the employee is most likely to be upset or angry?

The above article has been provided by GOSNET: Risk Management Solutions from The AGOS Group, LLC By Erika Allen, J.D., PhD.

In addition to having a plan and process for a layoff, there are many state and federal laws and regulations you need to understand prior to implementing your plan. Enquiron provides you with resources and information you need to be legally compliant during these difficult times. Here are some key resources to assist you:

COBRA, the federal law requiring temporary continuation of benefits at group rates for certain employees. In Enquiron you will find a Summary of COBRA Rules and Regulations, FAQ’s, Checklist, Policy and more

WARN (Worker Adjustment and Retraining Notification Act) a law that, in certain

circumstances, requires employers to provide advance notification of layoffs and plant closings in order to provide workers with sufficient time to seek other employment or retraining opportunities.

ADEA – Age discrimination – it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including layoffs.

SEVERANCE – There are no laws requiring severance pay, but there are reasons some organizations choose to do so. Enquiron provides you with a severance policy, information on pay, and a document on the Pros and Cons of Severance Packages

TERMINATIONS VS LAYOFFS – If you are not sure of the differences, this Enquiron document may help clarify the differences for you.

Layoffs are difficult and complex with some states having their own regulations in addition to federal laws. Having an understanding of the laws that apply and a process that has been reviewed in advance will help your organization get through these very difficult human resources tasks.