



*Reopening the Workplace*

**COVID-19 Special Series:**

**Key Considerations for WARN Notices**

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**Presenters:**

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# Scope and Usage of the Information

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# Reopening the Workplace COVID-19 Special Series

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The Institute is excited to announce a new webinar series to help employers navigate the unprecedented issues in the workplace arising from the Coronavirus pandemic.

This series focuses on reopening the workplace. Our Institute leaders, our nationally renowned faculty, and special guests will join together to discuss legal considerations, reassessing jobs in a changed environment, and challenges of managing remote workers.

# Key Focus Areas

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- What level of layoffs will trigger notice under Federal WARN?
- May employers claim an exemption from Federal WARN for terminations caused by COVID-19?
- Is Federal WARN notice required for temporary layoffs (furloughs)?
- If we avoid Federal WARN, do employers still need to comply with state mini-WARN statutes?
- Are employers protected if they follow the DOL's guidance?
- Nuances of calculating WARN-related damages

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under Federal WARN?

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the DOL's guidance?

## WARN Act Damages

“An employer that violates the WARN Act notice requirement is liable to each affected employee for an amount equal to back pay and benefits for the period of violation up to 60 days.”

<https://webapps.dol.gov/elaws/eta/warn/faqs.asp#>

“60 Days”

# Payroll Data

- Reported on a pay period basis
- Pay date vs. Pay Period Effective Dates
- Types of pay to be included
- Matching to other systems

## Other Nuances

- Recent Hires
- Rehires
- Terminated Prior to Closure
- Fringe Benefits

# Other Sessions

Issues with taking temperatures or otherwise checking employees for COVID-19 symptoms

How to handle employees who refuse to return to work

Pandemic return to work: What rights do employees have?

What are employer's legal obligations to restructure the workplace to comply with  
CDC/OSHA Guidance

Reduction in Force (RIF) Tools and Methodologies

Assessing potential skill gaps and competency needs in your current Workplace

Leveraging job analysis and competency modeling to better understand how to successfully “go  
virtual” with jobs

# Joon Hwang

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**Joon Hwang** is a Shareholder (Partner) at Littler Mendelson, P.C., the world's largest management-side labor and employment law firm. Joon represents employers in all aspects of labor and employment law, and has successfully defended clients in scores of complex, high profile individual, class, and collective actions; countless mediations and arbitration proceedings; and achieved exceptional outcomes in state, federal, and appellate courts as well as administrative agencies. A highly recognized and skilled litigator, Joon understands his clients' business objectives, and his pre-litigation and litigation strategies are designed to efficiently meet clients' business goals and minimize risks.

Joon has successfully defended clients in cases involving covenants not to compete or solicit, trade secrets, discrimination, harassment, retaliation, employee benefits, and various employment tort claims. He also has substantial experience in handling class, collective, and hybrid actions and mass arbitrations of claims under the Fair Labor Standards Act and state wage and hour laws. These actions include allegations of employee misclassification, off-the-clock work, and other wage-related issues.

Joon's practice resides in the Virginia, Washington, D.C., and Maryland region, but he has represented international, national, and regional clients across the country, including New York and California.

# Paul White

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*Paul F. White*, Ph.D. is a labor economist and the founding partner of the Washington, D.C. office of Resolution Economics Group. Since 1993, his practice has focused on the economic and statistical aspects of employment discrimination matters, including compensation, hiring, promotions, and terminations. Dr. White's labor and employment practice includes EEOC investigations, OFCCP investigations of federal contractors, proactive monitoring of compensation and employee selections, economic damages (single-plaintiff, multi-plaintiff, and class actions), union contract negotiations, and NLRB hearings. His practice also covers the statistical aspects of wage and hour matters, including typicality and commonality analyses for class certification, misclassification, off-the-clock work, management edits, and other quantifiable issues. Additionally, Dr. White has conducted analyses on mutual fund trading practices, environmental impact, asbestos exposure, and prescription drug pricing. Dr. White has testified numerous times in local, state, and federal courts.