

COVID-19 REDUCTION-IN-FORCE CHECKLIST FOR RESTAURANTS AND OTHER FOOD SERVICE EMPLOYERS

DETERMINE OVERALL OBJECTIVE FOR RIFS

(REDUCE OVERALL LABOR COST, DRIVE EFFICIENCY IN THE BACK OF THE HOUSE, ADJUST FOR CUSTOMER DEMAND IN THE FRONT OF THE HOUSE)

- Timing
- Some or all employees affected?
- Furlough vs. Layoff
- Voluntary/Involuntary?
- Severance?

POLICY CONSIDERATIONS

- PTO/Vacation/Sick Time Use or Payout
- Severance Policy
- Layoff Policy
- Other policies which may affect layoff
- CBA (if unionized)
- Employment Contracts

STATE LAW CONSIDERATIONS

- Paid Sick Leave Laws
- Final paycheck laws
- Unemployment
- Statutory Severance Requirements
- State law advance written notice requirements for reduction in hours or pay

NOTICE CONSIDERATIONS (INCLUDING DURING FURLOUGHS DUE TO GOVERNMENT SHUTDOWN ORDERS)

- WARN Act (federal)
- State “mini-WARN” laws



OTHER CONSIDERATIONS

- Impact of Families First Coronavirus Response Act
- PR/Customer Relations
- Benefits
 - COBRA required?
 - State law continuation requirement?
 - Other benefit conversion issues
- Recall Plans
- Retention Agreements
- Avoiding Litigation

SEVERANCE DOCUMENTS

- OWBPA
- State law issues

LEGAL REVIEW

LOGISTICS

- Draft communication – Internal (consider employees may post on social media about communication)
- Draft Communication – External (consider how to communicate on social media and potential control or restrict comments)

