

## **Reduction in Force-Adverse Action Worksheet**

## 

## Purpose: Confidentiality:

The purpose of this worksheet is to facilitate examination of a proposed The information compiled in this worksheet should not be shown to reduction in force for possible adverse-impact upon protected classes of managers making RIF selection decisions, as doing so could permit an employees. Significant disparities revealed by the examination may warrant employee to argue that protected status was taken into account in

closer scrutiny of selection criteria and processes in order to eliminate selecting persons for the RIF. Rather, this information should be utilized by disparities that may be considered evidence of adverse-impact (or even Human Resources, preferably in concert with legal counsel (so as to attain intentional) discrimination. status as attorney-client privileged), in order to ensure compliance with

applicable anti-discrimination laws in terms of adverse impact upon protected classes of employees.

## Methodology: Significance:

The worksheet presents two types of analyses, one specifically for age, and Note that if the size of the groups being measured is too small, disparities one suitable for all protected classes (e.g., race, sex, national origin, age, may be statistically insignificant. However, even though a population is too and religion). More sophisticated statistical analyses can be conducted with small to allow the use of mathematical statistical tools, disparities revealed the assistance of a qualified expert. by this kind of testing may nevertheless be admissible and probative in the

event of litigation. If completion of this worksheet reveals to Human Resources what appears to be a significant disparity, then the numbers may well strike a jury the same way.

# Average/Median Age Test

Relevant Workgroup Being Tested: [State the workgroup(s) in which reduction in force will be carried out, for example exempt employees, non-exempt employees, technical employees, hourly employees, administrative employees, or functional departments or workgroups used by employer. Where a RIF covers multiple workgroups, or workgroups within workgroups, employers may want to perform multiple tests.]

|  |  |  |
| --- | --- | --- |
| # of Persons In Entire Workforce # of Persons Within Workgroup Being Tested # of Persons Subject to RIF | | |
|  | | |
|  |  |  |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **# of Persons Age 40 and Older # of Persons Age 40 and Older # of Persons Age 40 and** | | |
| **Within Entire Workforce** | **Within Workgroup Being Tested** | **Older Subject to RIF** |
|  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Average (Mean) Age of Entire Workforce** | **Average (Mean) Age of Relevant Workgroup** | **Median Age of Entire Workforce** | **Median Age of Relevant Workgroup** |
| Before RIF |  |  |  |  |
| After RIF |  |  |  |  |
| Total Increase  <Decrease> |  |  |  |  |
| Percentage Increase  <Decrease> |  |  |  |  |

# Proportionality Test

**Relevant Workgroup Being Tested:** [State the workgroup(s) in which reduction in force will be carried out, for example exempt employees, non-exempt employees, technical employees, hourly employees, administrative employees, or functional departments or workgroups used by employer. Where a RIF covers multiple workgroups, or workgroups within workgroups, employers may want to perform multiple tests.]

**Protected Class Being Tested:**

[State the particular protected class being tested, for example, persons age 40 and older, African-Americans, Hispanics, or females.]

|  |  |  |
| --- | --- | --- |
| **Number of Persons in Entire Workforce** | **Number of Persons Within Workgroup Being Tested** | **Number of Persons Subject to RIF** |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Number of Persons in Protected Number of Persons in Protected Class Number of Persons in Class Being Tested Within Being Tested Within Workgroup Protected Class** | | |
| **Entire Workforce** | **Being Tested** | **Subject to RIF** |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Percentage of Persons in Protected Percentage of Persons in Protected Class Percentage of Persons Class Being Tested With Being Tested Within Workgroup in Protected Class** | | |
| **Entire Workforce** | **Being Tested** | **Subject to RIF** |
|  |  |  |

*Note: Review state laws for state-specific provisions*