

Your Rights Under the Congressional Accountability Act



Notification and Retraining Rights

Section 205 of the Congressional Accountability Act (CAA) applies certain rights and protections of the Worker Adjustment and Retraining Notification Act (WARN) to covered employees. This section of the CAA requires that employees must be notified of an office closing or of a mass layoff at least sixty days in advance of the event. The notice must be provided to either the affected employees or to their representatives (for example, a labor union).

Key Provisions Under the Law

- A covered employing office's obligation to give notice is triggered by an office closing or a mass layoff.
- An "office closing" is defined as a shutdown of one or more distinct units within a single site or of the entire site; a "mass layoff" is employment loss regardless of whether one or more units are shut down.
- Employing offices are covered by the WARN provisions of the CAA only if they meet certain size thresholds.
- Notice to affected employees must be in writing, specific, and must contain each of the elements required in regulations of the Board of the Office of Compliance.
- With limited exceptions, notice must be timed to reach the required parties at least sixty days before an office closing or a mass layoff.

Frequently Asked Questions About the WARN Act

Q. Are all employing offices covered?

A. No. Section 205 does not apply to every employing office covered under the CAA. Section 205 applies only to employing offices meeting the size thresholds of (a) 100 or more employees, excluding part-time employees, or (b) 100 or more employees, including part-time employees, if in the aggregate the employees work at least 4000 hours per week, exclusive of overtime.

Q. What is "adequate notice" under the WARN Act as applied by the CAA?

A. All notices must be in writing, although notice need not be in any particular form. Any reasonable method of delivery designed to ensure receipt 60 days before a closing or layoff is acceptable.

WARN ACT CONTINUED

Q. If an employing office fails to provide adequate notice to a covered employee, may the employee get his job back?

A. No. An employing office that violates section 205 of the CAA by ordering an office closing or mass layoff without the appropriate notice is liable to each aggrieved employee for an amount including back pay and benefits for the period of the violation, up to 60 days.

The Office of Compliance

The Office of Compliance protects the safety, health, and workplace rights of employees of the US Congress and the Legislative Branch. Established by the Congressional Accountability Act of 1995, the Office is an independent agency which provides an impartial dispute resolution process and educates employees and employing offices about their rights and responsibilities under the Act.

The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding your rights under the Worker Adjustment and Retraining Act or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at www.compliance.gov.

This information does not constitute an official ruling of the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

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