

Dunsizer Quoted in *Columbus CEO* Article Titled “Severance Plans Dos and Don’ts”

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Jennifer Bibart Dunsizer

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Jennifer Dunsizer, a partner in the Vorys Columbus office and a member of the employee benefits and executive compensation group, was quoted throughout a *Columbus CEO* story on severance plans.

The story states:

“The Employee Retirement Income Security Act of 1974 is a federal law that sets minimum standards for most retirement, health and other welfare benefit plans. ERISA-compliant severance plans allow companies to avoid claims for damages under state law, but require extra steps for reporting and compliance. Going through those steps might be worth it for a company that has recurring terminations and wants a plan that allows uniform administration across states.

‘If a company has a plan structure that is facially nondiscriminatory that applies to everybody who is in a particular category who is severed, that makes it relatively difficult for an affected employee to assert an age discrimination claim,’ says Jennifer Dunsizer, a partner at Vorys Sater Seymour and Pease and a member of the firm’s labor and employment group.

Companies that rarely terminate employees may decide against a formal ERISA plan and instead negotiate severance packages on an individual basis, she says. In that case the employer should document what it offers and to whom so that it can be proven that there is a defensible business justification for providing one employee with a richer benefit than another had received.”

The story also states:

“Dunsizer says another easy way to err is how a termination is communicated. Trying to smooth something over by making an older employee who is not tech savvy feel better about the fact that he can’t do his job as it’s currently constructed could lead the terminated employee to think the termination was age-

based and not performance-based.

'It's a mistake to try and soften the blow,' she says. 'Something perfectly valid ends up being tainted. It's the No. 1 thing I see.'

To read the entire story on the *Columbus CEO* website, [click here](#).

