

What Employers Are Covered?

Employers with 100 or more full-time employees

What's Required?

Employers must provide 60 days advance notice of mass layoffs or plant closings

What's a "Plant Closing"?

The shut down of an employment location with the loss of:

- 50 or more employees in 30 days or
- 50 or more employees in two or more events over the course of 90 days

What's a "Mass Layoff"?

A workforce reduction that results in either of the following:

- A reduction of an employer's total workforce by at least 33% and at least 50 employees
- A loss of 500 or more employees

What's "Employment Loss"?

- Termination, other than for cause or voluntary resignation
- Layoffs exceeding 6 months
- A reduction in hours by more than 50% over a 6-month period

What Notice Is Required?

An employer must provide written notice to affected employees and/or union representatives that is received at least 60 days before the event. Notice must also be provided to local government and the appropriate state dislocated worker unit.

Exceptions

Under the following circumstances, an employer may avoid the 60-day notice requirement and provide notice as soon as practicable:

- natural disasters
- unforeseeable business circumstances
- faltering company

What Are the Potential Penalties?

- Back pay
- Other monetary penalties

Top WARN Tips

- Provide notice of mass layoffs and plant closings as soon as possible
- The employer must provide additional notice if the scheduled event is delayed
- A sale does not require notice unless it triggers a plant closing or mass layoff
 - Pre-sale of business: seller must provide the required notice
 - Post-sale: buyer must provide the notice
- Some states have similar laws that impose different obligations on employers