

## **WARN** **Worker Adjustment And Retraining Notification Act**

As a general rule, employers with 100 or more employees must give 60 days' notice to employees before a “Plant Closing” or “Mass Layoff”, as defined by the Worker Adjustment and Retraining Notification Act, can occur.

- **COVERED EMPLOYERS:** Business enterprises employing 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours per week.
- **MASS LAYOFF:** A reduction in force at a single site where there is a loss of employment of 1/3 or more of the site's active employees, but at least 50 employees OR at least 500 employees during any 30 day period.
- **PLANT CLOSING:** A shutdown at a single site resulting in an employment loss for 50 or more employee during any 30 day period.
- **NOTICE REQUIREMENTS:** Employers must give notice to the following entities:
  - The local government where the layoff or closing will occur.
  - The state's dislocated worker unit.
  - The affected nonunion employees.
  - The union representatives of unionized employees.
- **PENALTIES:** The following penalties exist under WARN:
  - Employers violating WARN must pay back pay and benefits to each employee for a maximum of 60 days.
  - Employers must also be liable for \$500 per day fine for a maximum of 60 days for not giving notice to the local government unit.
  - Criminal and Civil penalties may also be imposed.
- **STATE LAWS:** A number of states have enacted plant closing and mass layoff laws similar to WARN.

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