

New York State Worker Adjustment and Retraining Notification (WARN) Act

*The State **WARN Act** strengthens the provisions of the Federal WARN Act of 1989. New York has established more stringent WARN laws at the state level.*

State Bill

- Private sector employers in New York State that employ more than 50 are required to issue a WARN notice 90 days before closing a plant. They must also notify when there is a layoff that affects 33 percent of the workforce (at least 25 workers) or 250 workers from a single employment site. They must send the notice to employees, their representatives, the State Labor Department and local workforce investment partners.
- Businesses that fail to file a WARN Notice would obligate the Commissioner of Labor to enforce penalties under provisions of the State WARN Act.
- The Act provides for a civil penalty of \$500 per day of violation. Employers in violation are also liable for back pay and other benefits for 60 days of the violation.
- The law gives employees more time to prepare for layoffs and increases the chances that they will find a new job.

- The state law gives more advance notice to local governments. It offers regional Rapid Response teams more time to aid affected employees with timely job placement assistance before layoffs occur such as job referral, focused job fair availability, resume preparation, job market information, career advice and training options. Information is also provided regarding the Career Center system, filing an Unemployment Insurance claim, comparing health care cover options and identify useful community resources.
- State WARN Law is found here: www.labor.ny.gov/agencyinfo/PDFs/WARN%20law%20%20chapter%20475.pdf
- State WARN Regulations is found here: www.labor.ny.gov/workforcenypartners/warn/pdfs/Text_of_New_York_State_WARN_Rule_7-10.pdf

Federal Bill

- The national legislation requires only 60 days notice for employers with 100 or more employees and requires a larger number of affected employees before WARN is triggered.
- It does not have any provisions for administrative enforcement.