



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 is now one of only four states (New Jersey, California and Illinois being the other three) to establish 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.
- It also offers state rapid response teams more time

to aid affected employees through targeted job fairs and recruitments. NYSDOL will also have more time to meet with employees to talk to them about unemployment insurance process, services provided at local One-Stop Career Centers and essential training or retraining services.

- The state law gives more advance notice to local governments.
- This legislation takes effect 180 days after enactment.

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.

PROTECT *all Workers*
ASSIST *the Unemployed*
CONNECT *Employers and Workers*