



New York to Implement State WARN Act

What's New

New York's Worker Adjustment and Retraining Notification Act (NY-WARN) goes into effect February 1, 2009. NY-WARN requires employers facing facility closures or mass layoffs to give 90 days advance notice to affected workers. Notice requirements do not apply to federal or state government employers, or any of their political subdivisions, including any local government unit or school district.

What You Need to Know

NY-WARN is based on the federal WARN statute that has been in place for many years; however the state law is somewhat stricter. Most notable is the state notice requirement of 90 days, whereas the federal requirement is 60 days advance notice. The primary NY-WARN requirements are as follows:

- Employers must provide affected workers with 90 days advance notice of a mass layoff or facility closing.
- Advance notice for mass layoffs applies when employment loss at a single worksite impacts at least 33% of full-time workers (at least 25 full-time workers); or 250 or more full-time workers.
- Advance notice for facility closures applies to a single worksite, or one or more operating units at a single employment site, either permanent or temporary for any thirty-day period, when it impacts 25 or more full-time workers.
- Notice must also be provided to worker representatives (union), the New York Department of Labor and the local Workforce Investment Board.
- Employers in violation of NY-WARN are subject to civil penalties and will be held liable for back wages.

The New York Department of Labor is in the process of developing materials to provide employers with compliance instructions and full details regarding NY-WARN, including criteria for limited exceptions to the notice requirement. Until then, the new law can be accessed at <http://www.labor.state.ny.us/agencyinfo/warnact.shtm>. NY-WARN notification to the New York Department of Labor should be mailed to:

Richard Grossi
NYS DOL
Building 12, Room 266A
State Office Campus
Albany, NY 12240

To locate a street address for local Workforce Investment Board notification, go to the following Web address:
<http://www.labor.state.ny.us/workforcenypartners/lwia/nyslwb.shtm>

Regarding the federal WARN Act

Employers who wish to know details about federal WARN requirements may go to:
<http://www.doleta.gov/layoff/warn.cfm>