



WE ARE YOUR DOL



Department
of Labor

WARN ACT

Worker Adjustment and Retraining Notification

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

FEDERAL BILL

The national law requires only 60 days' notice for employers with 100 or more employees. It also requires that more employees be affected before WARN is triggered. It does not have any provisions for administrative enforcement.

STATE BILL

Private sector employers in New York State that employ 50 or more full time employees must issue a WARN Notice 90 days before closing a plant. They must also issue notice when there is a layoff that affects either:

- 33 percent of the workforce (at least 25 employees)
- 250 employees from a single employment site

THEY MUST SEND THE NOTICE TO:

- All of affected Employees
- Their representatives
- The State Labor Department
- Local workforce development boards
- The chief elected official of the unit or units of local government where the site of employment is located
- The school district or districts where the site of employment is located
- The locality that provide(s) police, firefighting, emergency medical or ambulance services, or other emergency services, to the locale where the site of employment is located

Businesses that fail to file a WARN Notice would require the Commissioner of Labor to enforce penalties under the State WARN Act.

The Act provides for a civil penalty of \$500 per day of violation. Employers are also liable for back pay and other benefits for 60 days of the violation.

The state law gives employees more time to prepare for layoffs and increases the chances that they will find a new job.

The law also gives more advance notice to local governments. It offers regional Rapid Response teams more time to aid affected employees before layoffs occur, with timely onsite help such as:

- Promoting the Shared Work Program as an option to avoid layoffs
- Personalized job placement service
- Skills-based resume drafting
- Coaching for a successful interview
- Sharing job leads based on skill sets
- Employment referrals
- Advocating on the behalf of a candidate considered for employment
- Dedicated career fairs
- Job market information
- Career advice and training options

It also provides information about the Career Center system, how to file an Unemployment Insurance claim, comparing health care cover options and how to identify useful community resources.

Review the New York State WARN Law:
nysenate.gov/legislation/laws/LAB/A25-A

Review the New York State WARN Regulations:
dol.ny.gov/system/files/documents/2023/11/12-nycrr-part-921-draft-11.07.2023.pdf