

# Worker Adjustment & Retraining Notification (WARN) Act

## **PROGRAM DESCRIPTION**

### **PLANT CLOSURES AND LAYOFFS**

Plant closures and layoffs may be subject to the Worker Adjustment and Retraining Notification (WARN) Act. WARN offers employees early warning of impending layoffs or plant closings by requiring businesses to provide notification 60 days in advance to effected employees. Through the Dislocated Worker Unit (DWU), the Department of Workforce Services provides information to the public on WARN. When notification of a layoff is received, the DWU responds with layoff resources to assist the business in meeting the transitional needs of its workers. Note: Neither the State DWU nor the Department of Labor has administrative responsibility for the statute, which is enforced through federal courts.

### **WHO IS COVERED**

The Worker Adjustment and Retraining Notification Act (WARN) generally covers businesses with 100 or more employees, not counting those who have worked less than six months in the last 12 months and those who work an average of less than 20 hours a week. Regular federal, state and local government entities that provide public services are not covered. Employees entitled to notice under WARN include managers and supervisors as well as hourly and salaried workers.

### **BASIC PROVISIONS/REQUIREMENTS**

WARN protects workers, their families and communities by requiring businesses to provide notification 60 calendar days in advance of plant closings and mass layoffs. Advance notice gives workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain other jobs and, if necessary, to enter skill training or retraining that will allow these workers to compete successfully in the job market. WARN also provides for notice to be given to the Department of Workforce Services so that they can promptly offer dislocated worker assistance.

A covered plant closing occurs when a facility or operating unit is shut down for more than six months, or when 50 or more employees lose their jobs during any 30 day period at a single site of employment. A covered mass layoff occurs when a layoff of six months or longer affects either 500 or more workers or at least 33 percent of the employer's workforce when the layoff affects between 50 and 499 workers. The number of affected workers is the total number laid off during a 30 day (or in some cases 90 day) period.

WARN does not apply to closure of temporary facilities, or the completion of an activity when the workers were hired only for the duration of that activity. WARN provides for less than 60 days notice if the layoff resulted from closure of a faltering company, unforeseeable business circumstances, or natural disaster.

### **EMPLOYEE RIGHTS**

Workers, or their representatives, and units of local government may bring individual or class action suits against businesses failing to meet WARN requirements. U.S. district courts enforce WARN requirements and may allow reasonable attorney's fees as part of any final judgment.

## **PENALTIES/SANCTIONS**

A business that violates the WARN provisions is liable to each employee for an amount equal to back pay and benefits for the period of the violation, up to 60 days. This may be reduced by the period of any notice that was given, and any voluntary payments that the business made to the employee. A business that fails to provide the required notice to the unit of local government is subject to a civil penalty not to exceed \$500 for each day of violation. The business may avoid this penalty by satisfying the liability to each employee within three weeks after the closing or layoff.

## **RELATION TO STATE, LOCAL AND OTHER FEDERAL LAWS**

WARN does not preempt any other federal, state or local law, or any employer/employee agreement that requires other notification or benefit. Rather, the rights provided by WARN supplement those provided by other federal, state or local law.

COMPLIANCE ASSISTANCE AVAILABLE

## **CONTACT INFORMATION**

For general information about WARN, visit [jobs.utah.gov](http://jobs.utah.gov) "Pre-layoff Assistance", or contact:

The Department of Workforce Services  
State Dislocated Worker Unit  
Dawn Lay, 5<sup>th</sup> Floor  
140 East 300 South  
Salt Lake City, UT 84111  
(801) 526-4312  
Fax: (801) 526-9662  
Email: [dlay@utah.gov](mailto:dlay@utah.gov)



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## **Department of Workforce Services**

140 East 300 South Salt Lake City, Utah 84111 1-888-920-WORK [jobs.utah.gov](http://jobs.utah.gov)

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Auxiliary aids and services are available upon request to individuals with disabilities. Call (801) 526-9240. Individuals with speech and/or hearing impairments may call the state relay by dialing 711. Spanish Relay Utah: 1-888-346-3162.