

**Worker Adjustment and Retraining Notification Act (WARN)**  
**(29 USC §2101 et seq. ; 20 CFR Part 639 )**

### Who is Covered

The Worker Adjustment and Retraining Notification (WARN) generally covers employers with 100 or more employees, not counting those who have worked less than six months in the last 12 months and those who work less than 20 hours per week, or those employers with 100 or more employees, including part-time workers, who in the aggregate work at least 4,000 hours per week, exclusive of overtime. 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 employers 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 state dislocated worker units so that they can promptly offer dislocated worker assistance.

A covered plant closing occurs when the permanent or temporary closure of a single site of employment or of one or more facilities or operating units within a single site of employment results in an employment loss as defined by WARN regulations. A covered mass layoff occurs when 50 to 499 employees are affected during any 30-day period at a single employment site (or for certain multiple related layoffs, during a 90-day period), if these employees represent at least 33 percent of the employer's workforce where the layoff will occur, and the layoff results in an employment loss for more than six months. If the layoff affects 500 or more workers, the 33 percent rule does not apply.

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 also provides

for less than 60 days notice when the layoffs 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. U.S. district courts enforce WARN requirements. The court may allow reasonable attorney's fees as part of any final judgment.

## Recordkeeping, Reporting, Notices and Posters

### Notices and Posters

There are no workplace poster requirements under the WARN Act.

Employers do have notice requirements under the WARN Act.

If an employer orders a plant closing or mass layoff, it is required to provide notification to the employees or their representatives, the state dislocated worker units, (so that they can promptly offer dislocated worker assistance), and the chief elected officials of local governments.

**Notices to employees or their representatives.** WARN requires employers to notify either the individual employees affected by a plant closing or mass layoff or their representatives at least 60 calendar days prior to any planned plant closing or mass layoff. If employees are terminated on different dates, the date of the first individual termination within the statutory 30-day or 90-day period triggers the 60-day notice requirement.

Notices to representatives. These notices must contain the following:

- The name and address of the employment site where the plant closing or mass layoff will occur, and the name and telephone number of a company official to contact for further information
- A statement about whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect
- The expected date of the first separation and the anticipated schedule for making separations
- The job titles of positions to be affected and the names of the workers currently holding affected jobs

Notices to individual employees. If the affected employees do not have a representative, the notice is to be written in language understandable to the employees and is to contain:

- A statement about whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect
- The expected date when the plant closing or mass layoff will begin, and the expected date when the individual employee will be separated
- An indication whether or not bumping rights exist
- The name and telephone number of a company official to contact for further information

The notice may include additional information useful to the employees such as information on available dislocated worker assistance, and, if the planned action is expected to be temporary, the estimated duration.

**Notices to State Dislocated Worker Units and the chief elected officials of local governments.** WARN requires employers to separately provide notices to the state dislocated worker unit and to the chief elected official of the unit of local government in which the affected plant is located. The notice should contain:

- The name and address of the employment site where the plant closing or mass layoff will occur, and the name and telephone number of a company official to contact for further information
- A statement as to whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect
- The expected date of the first separation, and the anticipated schedule for making separations
- The job titles of positions to be affected, and the number of affected employees in each job classification
- An indication as to whether or not bumping rights exist
- The name of each union representing affected employees, and the name and address of the chief elected officer of each union

The notice may include additional information useful to the employees such as a statement of whether the planned action is expected to be temporary and, if so, its expected duration. As an alternative, an employer may give notice to the state dislocated worker unit and to the unit of local government by providing them with a written notice stating:

- The name and address of the employment site where the plant closing or mass layoff will occur
- The name and telephone number of a company official to contact for further information
- The expected date of the first separation
- The number of affected employees

If the employer chooses the alternative notice, the information required for the longer form of notice must be maintained on-site where it is readily accessible to the state dislocated worker unit and to the unit of local government.

#### Recordkeeping

There are no recordkeeping requirements.

#### Reporting

There are no reporting requirements.

#### Penalties/Sanctions

WARN is enforced through the U.S. District Courts. Workers, their representatives, and units of local government may bring individual or class action suits against employers believed to be in violation of the Act. The Department of Labor has no authority or legal standing in any enforcement action and cannot provide specific binding or authoritative opinions or guidance about individual situations. The Department of Labor provides

assistance in understanding the law and regulations to individuals, firms, and communities.

An employer who 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 employer made to the employee.

An employer who 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 employer 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 laws.

#### Compliance Assistance Available

For general information about WARN, a [fact sheet](#), [worker's guide \(PDF\)](#), and [employer's guide \(PDF\)](#) are available from the [Employment and Training Administration's Web site](#). Specific requirements of WARN may be found in the [Act](#) itself and the regulations at [20 CFR Part 639](#).

The Department of Labor provides employers, workers, and others with clear and easy-to-access information and assistance on how to comply with the Worker Adjustment and Retraining Notification Act. Compliance assistance related to the Act, including the [WARN e-laws Advisor](#) is available on the [Worker Adjustment and Retraining Notification \(WARN\) Act Compliance Assistance Materials](#) Web page.