



LAYOFF NOTICE REQUIREMENTS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

Businesses often find themselves having to lay off of large numbers of employees. When taking this measure, it is necessary to comply with certain notice requirements imposed by law. The federal Worker Adjustment and Retraining Notification Act (WARN) imposes several of these requirements. The main requirement under WARN is for employers to provide advance written notice at least 60 calendar days prior to laying off 50 or more employees.

Triggering WARN

The notice requirement of WARN is generally triggered when:

- A facility/operating unit is closed either temporarily or permanently
- At least 50 full-time employees are affected at a single site of employment
- A temporary layoff of under 6 months affecting 50 or more employees is given an extension for at least another 6 months

Exceptions to WARN

Exceptions to the notice requirement of WARN include:

- The employees have been hired on a temporary basis; and the employees understand that their employment will terminate upon the completion of the temporary project
- Fewer than 50 employees are laid off at a single site of employment
- 50-499 workers are laid off and that number is under 33% of the total active workforce at a single site
- Operations have been discontinued because of a strike or lockout
- The layoff lasts 6 months or less

- Work hours are not cut by over 50% in each month of a 6-month period
- The reasons for extending a temporary layoff were not reasonably foreseeable

***Material for this article was sourced from the website of the U.S. Department of Labor at <https://www.dol.gov>**