



November 19, 2020

Amendment to New York’s WARN Act Requires Employers to Notify Additional Local Government Entities

On November 11, 2020, Governor Andrew Cuomo signed into law Assembly Bill A10674a (the “Amendment”), which amends the New York Worker Adjustment and Retraining Notification (“WARN”) Act to require employers to provide notices to additional government entities in the event of a WARN triggering event, such as mass layoffs and site closings. The legislation will help forewarn communities of potential loss of tax revenue as well as safety risks posed by suddenly abandoned properties.

FEDERAL AND NEW YORK WARN ACTS

New York’s WARN Act requires private-industry employers with 50 or more employees to provide 90 days of advance written notice of plant closures, mass layoffs, certain reductions in employee hours and employee relocations to all affected workers, any employee representative of the affected workers, the state Commissioner of Labor, and the Local Workforce Investment Board. The Amendment requires that written notice also be sent to the following.

- The chief elected official of the unit or units of local government and the school district or districts in which the mass layoff, relocation or employment loss will occur; and
- Each locality that provides police, firefighting, emergency medical or ambulance services or other emergency services to the site of employment subject to the mass layoff, relocation, or employment loss, as applicable.

In addition to the requirements of New York's WARN Act, the Federal WARN Act requires employers with 100 or more full time workers must provide written notice at least sixty (60) calendar days in advance of covered plan closings and mass layoffs to affected employees, if not unionized, the state's rapid response dislocated worker unit, and the local chief elected official of the local government where the closing or mass layoff is to occur. New York employers may also have to abide by the requirements of the Federal WARN Act under certain circumstances.

Moreover, the New York WARN Act has specific requirements for the contents of the required notices. Specifically, the statute outlines the different content requirements for each of the notices given to the following: affected employees, the Workforce Investment Board, and the state Commissioner of Labor. However, the Amendment does not provide specific content requirements for the additional government entities added or whether these additional notices are subject to the same content requirements as the notices sent to other individuals and entities as outlined in the statute.

The Amendment is effective immediately.

Takeaway

Companies engaging in a mass layoff, site closing, or other action subject to the New York WARN Act should ensure that they provide the required notice to the additional government entities outlined in the Amendment. Moreover, such notices should contain the required contents of notices subject to the New York WARN Act and the Federal WARN Act, if applicable, until further guidance, if any, provides otherwise.

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If you have any questions regarding this alert, please do not hesitate to contact us.

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