

**Summary of State Statutes Governing Plant Closings and Mass Layoffs<sup>1</sup>**

| <u>STATE</u>   | <u>COVERED EMPLOYERS</u>   | <u>COVERED EVENTS</u>  | <u>REQUIREMENTS</u>  | <u>EXCEPTIONS TO NOTICE (REDUCING OR OBTAINING)</u>   |
|--|--|--|--|---|
| <b>Alabama (Ala. Code § 25-4-8(a); 480-4-1-.06(1)(ah), r. 480-4-3-.10)</b> | All  | 25 or more employees being laid off at or around the same time for at least seven days.                                      | Phone call to nearest unemployment claims office.  | None  |
| Alaska   | None   |  |  |   |
| Arizona  | None   |  |  |   |
| Arkansas   | None   |  |  |   |
| <b>California (Lab. Code §§ 1400 to 1408)</b>                              | Any industrial or commercial facility that employs, or has employed within the preceding 12 months, 75 or more employees. Employees must have been employed for at least six of the 12 months preceding the date of required notice to be counted. | A plant closing, layoff or relocation of 50 or more employees within a 30-day period, regardless of percentage of workforce. | 60-day notice<br><br>Note: unlike under federal law, California’s WARN Act imposes the duty of providing notice where employees are temporarily laid off and given a date to return to work. | -faltering company<br>-natural disaster<br>-temporary hires<br>-unforeseen business circumstances (per Executive Order signed 3/18) |
| Colorado   | None   |  |  |   |

<sup>1</sup> This chart includes a summary of the applicable statutory laws for each state. Before initiating a reduction in force that may trigger these laws, it is strongly advised to consult with legal counsel and to examine the relevant statutes, in detail, for specific requirements not mentioned here. Moreover, this chart is intended to cover state “mini-WARN” statutes. There may be laws at the local level not mentioned here which relate to plant closings or mass layoffs. Some states also “encourage” certain actions and we have generally not included those here.

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| <b>Connecticut (Conn. Gen. Stat. §§ 31-51n, 31-51o)</b> | Any industrial, commercial or business facility which employs, or has employed at any time in the preceding 12-month period, 100 or more employees. | Closing or relocating of any business with 100 or more employees.   | Continuation for 120 days of group health insurance of terminated workers and their dependents. | -faltering company<br>-natural disaster  |
| <b>Delaware (Del. Code Ann. tit. 19, § 1903)</b>        | All employers with at least 100 employees (excluding part-time employees) who work an aggregate of at least 2,000 hours a week.                     | A mass layoff that will exceed six months in duration or there will be a reduction in work hours of more than 50 percent during each month of any consecutive six-month period. Plant closings and relocations are also covered events. | 60-day notice   | -temporary shutdowns<br>-unforeseeable business circumstances<br>-natural disasters and other circumstances described in the law |
| District of Columbia                                    | None  |   |   |  |
| Florida   | None  |   |   |  |
| <b>Georgia (Ga. Comp. R. &amp; Regs. R. 300-2-4.10)</b> | All   | Layoff of 25 or more employees on the same day for the same reason expected to last more than seven days.   | Fax Georgia DOL Forms 402 and 402A to 404-656-2304 within 48 hours of event.                    | None   |
| <b>Hawaii (Haw. Rev. Stat. §§ 394B-2, 394B-9)</b>       | Any business entity that employs at any time in the preceding   | -Closing<br>-Partial closing<br>-Relocating to a location outside   | 60-day notice and must pay affected employees four weeks' dislocated worker                     | -faltering company   |

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|  | 12-month period, 50 or more employees.   | Hawaii<br>-Divestiture   | allowance, which equates to the difference between the employee's average weekly wages prior to the closing, partial closing, or relocation and the unemployment insurance weekly benefit amount. |  |
| Idaho  | None   |  |   |  |
| <b>Illinois (820 Ill. Comp. Stat. 65/1 to 65/99)</b> | Any business entity that employs 75 or more employees, excluding part-time employees, or 75 or more employees who in the aggregate work at least 4,000 hours per week. | -Permanent or temporary shutdowns of a single worksite or one or more facilities or operating units within a single worksite if they result in an employment loss at the worksite during any 30-day period for 50 or more employees (excluding part-time employees).<br>-Employment loss at a single worksite during any 30-day period for at least 25 full-time employees who make up at least 33 percent | 60-day notice   | -unforeseen business circumstances<br>-faltering company<br>-natural disaster<br>-temporary hires<br>-strike |

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|   |  | of the full-time workforce at the worksite or at least 250 full-time employees.   |   |  |
| Indiana                                       | None   |   |   |  |
| <b>Iowa (I.C.A §§ 84C.1 et seq.)</b>          | A person who employs 25 or more employees, excluding part-time employees.                                      | -Layoff of 25 or more full-time employees in 30-day period.<br>-Employment loss for 25 or more full-time employees.   | 30-day notice   | -unforeseen business circumstances<br>-faltering company<br>-natural disaster<br>-temporary hires<br>-strike |
| <b>Kansas (Kan. Stat. Ann. § 44-616)</b>      | None, but a permit is required for cessation of operations (no procedure for obtaining permit or form exists). |   |   |  |
| Kentucky                                      | None   |   |   |  |
| Louisiana                                     | None   |   |   |  |
| <b>Maine (26 ME. Rev. Stat. Ann. § 625-B)</b> | Any facility which employs, or has employed at any time in the preceding 12-month period, 100 or more persons. | -Closing of a business with 100 or more employees.<br>-Relocating substantially all of a covered establishment's industrial or commercial operations to a new location, in or outside Maine, that is 100 or more miles from the original location.<br>-A workforce reduction, not due to a closing, | -90-day notice for closing or relocations.<br>-Seven-day notice for mass layoffs.<br>-Employers closing, relocating or conducting a mass layoff at a covered establishment must pay severance pay to each eligible employees at the rate of one week's pay for each year worked at the establishment, | -unforeseen business circumstances<br>-natural disaster  |

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|  |   | that results in a significant loss of employment at a covered establishment for at least six months. (at least 50 employees representing at least 33 percent of all employees at the establishment or at least 500 employees). | including partial severance pay for any partial year worked.  |   |
| <b>Maryland (MD. Ann. Code § 11-301, et seq.)</b>  | Any employer who employs at least 50 employees and has been doing business in Maryland for at least one year.   | -Relocating<br>-Shutdown that reduces number of employees by at least 25% or 15 employees, whichever is greater, over any three-month period.  | 90-day notice when possible   | -faltering company<br>-temporary hire<br>-strike    |
| <b>Massachusetts (M.G.L.A. 149, § 179B; M.G.L.A. 151A, §§ 1, 71A to 71B, 71F, 71H, 72)</b> | Public and private employers are covered by the plant closing and mass layoff provisions if they own or operate a facility for at least one year. Public and private employers with 12 or more employees are covered by the | A facility closing resulting in termination of employment for a significant number of the facility's employees and affecting workers and communities in a way similar to the impact of a plant closing.                        | -Voluntary notice (if employers provide this notice, employees' re-employment assistance benefits are reduced)<br>-Employers that are closing a facility must promptly report to the Massachusetts Department of Career | None  |

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|  | reporting requirements related to starting or changing the location of operations. |  | Services any information that might be needed to determine employees' right to re-employment assistance benefits. preceding the certification date<br>- Employers must notify the Massachusetts Department of Career Services when starting or changing the location of operations in Massachusetts. |   |
| <b>Michigan (M.C.L.A. 450.731 et seq.)</b>     | Only applies to employee-owned businesses with 25 or more employees.               | -Closing<br>-Relocating and displacing at least 25 employees.                                  | -Voluntary   | None  |
| <b>Minnesota (Minn. Stat. Ann. § 116L.976)</b> | Any employer.  | -Plant closing or 50 or more layoffs in a 30-day period.<br>-Substantial layoff<br>-Relocation | -Report to commissioner certain information about the employees who will be terminated.  | None  |
| Mississippi                                    |  |  | None   |   |
| Missouri                                       |  |  | None   |   |
| Montana  |  |  | None   |   |
| Nebraska                                       |  |  | None   |   |
| Nevada   |  |  | None   |   |

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| <b>New Hampshire (§§ 275-F:2 to 275-F:12; 282-A:45-a)</b> | Companies in New Hampshire with 100 or more full-time employees or have 100 or more employees who, in the aggregate, work at least 3,000 hours per week.  | -Shutdowns that result in an employment loss at a single employment site during any 30-day period for 50 or more full-time employees.<br>- Employment loss at a single employment site in New Hampshire during any 30-day period for 250 full-time employees (excluding seasonal employees) or at least 25 full-time employees (excluding seasonal employees) if they constitute 33 percent of all full-time employees. | 60-day notice  | -unforeseen business circumstances<br>-faltering company<br>-natural disaster<br>-temporary hires<br>-strike |
| <b>New Jersey (§§ 34:21-1 to 34:21-7)</b>                 | <u>Current:</u><br>-Employers that have been in business for at least three years with at least 100 full-time employees (excluding those with less than six months of service or who work less than 20 hours per week). | <u>Current:</u><br>-Termination of 500 or more full-time employees, or 50 or more full-time employees representing one third or more of full-time employees over a 30-day period.   | <u>Current:</u><br>-60-day notice<br>-Severance if employer provides less than the required number of days of notice (one week worth of pay for each year of service).<br><br><u>Eff. 7/19/20:</u><br>-90-day notice | None   |

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|   | <p><u>Eff. 7/19/20:</u> All workers will be considered when making the determination of whether a business has 100 employees, including part-time workers.</p> | <p>-Transfer or termination of operations that results in termination of employment of 50 or more full-time employees during any continuous period of not more than 30 days.</p> <p><u>Eff. 7/19/20:</u><br/>                     - "Mass layoff" is defined as a reduction in force, during any 30-day period, resulting in the termination of at least 50 employees at or reporting to an establishment, regardless of full-time or part-time classification.<br/>                     -"Establishment" means a single location or a group of locations in New Jersey.</p> | <p>-Mandatory severance equal to one week of pay for each year of service. Enhanced penalties for failure to provide required notice.</p> |   |
| New Mexico  |  |  | None  |   |
| <b>New York (Lab. Art. 25-A, §§ 860 to 860-i)</b> | 50 or more employees in New York, excluding  | -Mass layoffs (termination of 250 full-  | 90-day notice   | -unforeseen business circumstances                  |

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|  | part-time employees or 50 or more employees in New York, including part-time employees who work in the aggregate at least 2,000 hours per week. | time employees or of at least 33 percent of full-time employees and at least 25 full-time employees at a single site of employment during any 30-day period).<br>-Plant closings (shutdown of a single site of employment or one or more facilities or operating units within a single site of employment if the shutdown results in the termination of 25 or more full-time employees during any 30 day period).<br>-Relocations |   | -faltering company<br>-natural disaster<br>-temporary hires<br>-strike |
| <b>North Carolina (N.C. ESC Regs. §§ 9.10, 9.11)</b> | All (special form for employers with 100 or more employees).  | Laying off 20 or more employees.  | Notice must be given to state unemployment agency beforehand.                           | None   |
| North Dakota   | None  |   |   |  |
| <b>Ohio (O.R.C. § 4141.28(C))</b>                    | All   | Laying off or separating 50 or more employees within a seven day period.  | Employer should call the state's unemployment insurance agency three days before event. | None   |

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| Oklahoma   | None  |  |   |   |
| <b>Oregon (Or. Rev. Stat. §§ 285A.510 to 285A.522)</b> | State law adopts federal law, but must also provide notice to the Office of Community Colleges and Workforce Development.   |  |   |   |
| Pennsylvania   | None (but Philadelphia has an ordinance)<br>Philadelphia-based businesses with 50 or more employees, in Philadelphia, shall submit a letter (impact statement) to the Philadelphia Director of Commerce specifying the anticipated economic impact associated with the impending and involuntary closure or relocation of their facilities. |  |   |   |
| Rhode Island   | None, but final wages must be paid within 24 hours  |  |   |   |
| South Carolina   | None  |  |   |   |
| South Dakota   | None  |  |   |   |
| <b>Tennessee (T.C.A. § 50-1-601, et seq.)</b>          | Companies that employ 50 to 99 full-time workers and are covered by the state's unemployment insurance law.   | A reduction in operations that causes a permanent or indefinite reduction in the workforce by 50 or more employees during any three-month period due to:<br>- the closure of a workplace or a portion of its operations;<br>-the modernization of a workplace or a portion of its operations;<br>-the relocation of a workplace or a portion of its operations to another site more than 50 miles away; or | -Notification required (does not specify when). | -temporary hire<br>-strike                          |

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|   |  | -the implementation or application of a management policy.   |   |  |
| Texas   | None   |  |   |  |
| Utah  | None   |  |   |  |
| <b>Vermont (Vt. Stat. Ann. tit. 21, §§ 411, 413, 414)</b> | Employers of:<br>-50 or more full-time employees;<br>-50 or more part-time employees who work at least 1,040 hours annually per employee;<br>or<br>-A combination of 50 or more full-time employees and part-time employees who work at least 1,040 hours annually per employee. | -Closings<br>-Mass layoffs of 50 or more employees over a 90-day period.   | -30-day notice to their affected employees and local officials<br>-45-day notice to certain state government entities | -unforeseen business circumstances<br>-faltering company<br>-natural disaster<br>-temporary hires<br>-strike |
| Virginia  | None   |  |   |  |
| Washington  | None   |  |   |  |
| West Virginia   | None   |  |   |  |
| <b>Wisconsin (W.S.A. §§ 109.07 to 109.075)</b>            | Any business enterprise that employs 50 or more persons in Wisconsin.  | -Permanent or temporary shutdown of a worksite, facilities or operating units at a worksite or within a municipality, if the | 60-day notice   | -unforeseen business circumstances<br>-faltering company<br>-natural disaster<br>-temporary hires<br>-strike |

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|              |                          | <p>shutdown affects 25 or more employees.<br/>                     -A reduction-in-force (unrelated to a business closing) that affects a certain number of employees at a worksite or within a municipality; specifically, at least 25 percent of employers' workforce or 25 employees, whichever is greater, or at least 500 employees.</p> |                     |   |
| Wyoming      | None                     |   |                     |   |