

## New York Enacts Its Own WARN Act

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On August 5, 2008, Governor David Paterson signed into law the New York State Worker Adjustment and Retraining Notification Act (the “NYS WARN Act”).

The new law applies to more employers and imposes greater obligations than the federal Worker Adjustment Retraining and Notification Act (the “WARN Act”). Under the federal WARN Act, employers with at least 100 employees are generally required to provide 60 days’ notice of a “mass layoff” or “plant closing.” The term “mass layoff” is defined as a reduction in force, not due to a plant closing, that results in an employment loss at a single site of employment during any 30-day period of: (1) at least 33% of the employees at the site equaling at least 50 people; or (2) at least 500 employees (even if that number is less than one-third of the employees at the site).

The WARN Act defines “plant closing” as “the permanent or temporary 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 an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding any parttime employees.”

Unlike the federal law, the NYS WARN Act applies to employers with just 50 employees and requires 90 days’ notice of: (1) a “mass layoff,” defined as (a) the layoff of 250 employees or (b) the layoff of 25 or more employees at a single location if they represent at least 33% of that location’s workforce; or (2) a “relocation,” defined as the movement of all or substantially all of the employer’s operations at least 50 miles away.

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