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## FACT SHEET

### KEY PROVISIONS OF A STATE WORKERS ADJUSTMENT & RETRAINING NOTIFICATION ACT

- ☞ **Despite the significant strides made by the passage of the federal WARN Act, there are still many deficiencies and loopholes in the law as it now exists. Most worksites are simply not covered by the federal law and most American workers who lose their job are not provided meaningful advance notice.** The U.S. Governmental Accounting Office (GAO) finds that only 24% of all mass layoffs and worksite closures are subject to the WARN Act's advance notice requirements. Furthermore, the GAO found that employers provided advance notice in only 26% of the mass layoffs and 46% of the worksite closures where WARN Act notification was required. Even when advance notice was provided, 32% of the notices were untimely. As a result, timely advance notification is only being provided in 6% of all mass layoffs and worksite closures.
- ☞ **State laws to redress the shortcomings of the federal law by legislation that:**
  - **Provides longer notification periods.** The federal law provides 60 day advance notice. State law can extend the notice period to 90 days or alternatively, provide a sliding scale with the largest covered employers being required to provide 120 days notice and the smallest being required to provide 60 days notice.
  - **Covers more workers and worksites.** The federal law only applies to employers of 100 or more employees. The law also only applies to worksites where 50 or more workers have lost their jobs and for mass layoffs, the law generally requires that the laid off workers comprise one-third of the site's workforce. State law should apply to employers of 50 or more workers and be triggered when 25 or more workers lose their employment. For mass layoffs, the one-third threshold should be eliminated.
  - **Eliminates loopholes.** Loopholes within existing federal law can be mitigated by state legislation that adjusts the time-frames used to calculate when the act is triggered and by establishing specific conditions before existing exceptions might apply.
  - **Establishes Accountability.** Presently, federal law is exclusively enforced through private lawsuits allowing workers to recover only very limited and partial compensation for damages actually suffered. State law could seek meaningful accountability by providing greater allowable damages against 'bad actor' employers, by empowering the state Attorney General or Director of the Department of Labor & Economic Growth to act on behalf of workers and communities when violations occur, and by establishing administrative procedures through which workers can file complaints and receive redress.
- ☞ **These are just a few of the ways that state legislation can redress the shortcomings of federal law and protect our state's workers. For further information, please contact the Sugar Law Center.**

This Fact Sheet was prepared by staff who are proud members of UAW Local 2320.