

WARN ACT

P.L. 100-379 (the “Worker Adjustment and Retraining Notification Act”) is amended as follows:

I. In section 2101(a)(2) adding at the end before “;” the following:

“, which is, during the period January 1, 2020 through December 31, 2020, not a result of the COVID-19 public health emergency.”

II. In section 2102(a)(3) adding at the end the following:

“ and (C) during the period January 1, 2020 through December 31, 2020, is not a result of the COVID-19 public health emergency.”

III. At the end of section. 2101(b) add the following:

“(3) Notwithstanding subsection (a)(6) of this section, an employee may not be considered to have experienced an employment loss if the termination, layoff exceeding 6 months, or reduction in hours of work of more than 50% during each month of any 6-month period is a result of the COVID-19 public health emergency.”

NOTE: This excludes from the definition of “plant closure” and “mass layoff” an otherwise covered employment loss that occurs in 2020 as a result of COVID-19 public health emergency, and provides that layoffs exceeding six months or reductions in hours do not result in an employment loss that triggers WARN Act notice requirements.