



Amendments to Wisconsin's "WARN Act" Require Employers to Provide More Information to Affected Employees

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New amendments to the Wisconsin Business (Plant) Closing, Mass Layoff Law went into effect on December 16, 2009, which require employers to provide additional information to employees affected by a business closing or mass layoff.

The law still provides, with some exceptions, that a business employing 50 or more people in the State of Wisconsin must give 60 days written notice before implementing a "business (plant) closing" or "mass layoff" in the state if certain threshold numbers are reached. Notice must be given to Wisconsin's Department of Workforce Development (DWD); any employee who loses, or who may reasonably be expected to lose, his or her employment with the employer because of the business closing or mass layoff ("affected employee"); and the highest official of the municipality where the employment site is located (e.g., the mayor, village president, or town board chairman).

The new amendments to the law add to employers' notice responsibilities. An employer's notice about a business closing or mass layoff to an affected employee must now include contact information for the local workforce development board serving the area in which the affected employment site is located. The law also requires that the DWD provide a copy of the notice it receives from an employer to the local workforce development board. Within 30 days of receipt of the notice, the local board must supply the employer with a list of resources available in the area that offer career planning, job search assistance, job skills training, and other support services for affected employees. The employer must provide a copy of this list to affected

employees no later than 14 days after an affected employee's last day of work or the date of the final payment of wages, whichever is earlier. Any employer who fails to provide an employee with the list of resources may be penalized \$100 for each violation.

An employer who fails to timely fulfill its notice obligations under the law may also be liable for up to 60 days of back pay for each affected employee as well as the value of any benefit an employee would have received under an employee benefit plan for those 60 days. If an employer fails to give timely notice to the highest official in the municipality, the DWD will assess a surcharge against the employer of not more than \$500 for each day the employer was required to give notice. The surcharge ends on the day the employer actually gives notice to the official or the day of the business closing or mass layoff occurs, whichever is earlier. Finally, if a lawsuit is filed, a successful plaintiff may recover costs and reasonable attorneys' fees.

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