

MINI-WARN REQUIREMENTS

(WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT FOR NJ EMPLOYERS)

NOTICE REQUIREMENTS	AMENDED NJ MINI-WARN REQUIREMENTS (EFFECTIVE 7/19/2020)	PRIOR/CURRENT NJ MINI-WARN
Applicability	No change.	Employers with 100 or more employees.
Counting Employees to Determine Applicability	All employees (includes part-time employees regardless of length of employment of hours worked).	Only full-time employees, excluding those with less than 6 months of service or working less than 20 hours per week.
Triggering Event: "Mass Layoff"	Termination of 50 employees regardless of tenure or hours of work. Applies to transfer of operations or termination of operations, even if less than 1/3 are laid off.	Termination of 500 or more full-time employees or 50 or more full-time employees representing 1/3 of more of full-time employees.
Timing of Mass Layoff	No change.	When the employer lays-off, transfers or terminates the employees within a 30-day period (or within a 90- day period if it cannot be proved that terminations are for separate and distinct causes). Layoff of seasonal employees is not considered termination.
Location of Mass Layoff	Includes terminations in all an employer's New Jersey locations.	Focused on # of terminations at single place of employment or groups of contiguous locations analyzed separately.
Issuance of WARN Notice Period	90 days prior to terminations.	60 days prior to terminations.
Provide WARN Notice to:	No change.	Each employee whose employment is to be terminated and any collective bargaining units; The chief elected official of the municipality where the establishment is located; and Commissioner of Labor and Workforce Development.
Personal Liability for "Employer" as Defined	By expanding definition to include any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee including owners and management personnel who are responsible for the decision to effectuate a mass layoff. Appears to impose personal liability for failures to meet requirements.	N/A
SEVERANCE REQUIREMENTS	AMENDED NJ MINI-WARN REQUIREMENTS (EFFECTIVE 7/19/2020)	PRIOR/CURRENT NJ MINI-WARN
Severance Pay to Be Provided	Automatic. One week for each year of employment. Failure to comply with notification requirements results in additional 4 weeks of severance.	Only required if the employer failed to give the required 60- day notice. One week for each year of employment.
Waiver of Severance Pay	No agreement for waiver is permitted without state or court approval.	N/A
Amount of Mandatory Severance	No change.	The higher of: (a) the average regular rate of compensation received during the employee's last three years of employment; and (b) the final regular rate of compensation paid to the employee.
Classification of Severance	Considered as compensation due to an employee for back pay and losses relating to their termination from employment and is deemed earned upon an employee's termination.	N/A