

# Business Closing and Mass Layoff Notification Requirements

|                                     | State Law  | Federal Law  |
|-------------------------------------|--|--|
| <b>APPLIES WHEN</b>                 | Wisconsin Statutes Sec. 109.07 and Chapter DWD 279               | WARN Act Sec. 2(a)(3)  |
| <b>Employer size is ...</b>         | 50 or more   | 100 or more  |
| <b>Business closing affects ...</b> | 25 or more   | 50 or more   |
| <b>Mass layoff affects ...</b>      | 25% of workforce <b>and</b> 25 employees <b>or</b> 500 employees | 33% of workforce <b>and</b> 50 employees <b>or</b> 500 employees |

*Wisconsin law has lower thresholds of compliance, compared to Federal Law!*

## Notification Requirements for Business Closing / Mass Layoff

When conditions exist for a business closing or mass layoff, **Wisconsin law requires notification of four groups:**

- 1) employee representatives;
- 2) affected employees;
- 3) the chief elected official of a unit of local government; and,
- 4) the Wisconsin Dislocated Worker Unit.

All notices must be specific, following the guidelines below. If notice is given conditioned upon occurrence of an event (i.e., the termination of a contract when negotiations for its renewal are in progress), the notice must clearly identify the fact that the notice is conditional, and the circumstances upon which the notice is based.

**Note:** Businesses with facilities in several states including Wisconsin may be subject to different notification requirements in each state.

In addition, it is recommended that **all notices** include information on available dislocated worker assistance and, if the planned action is expected to be temporary, its estimated duration.

### 1. Notice to employee representatives

Notice to each representative of affected employees is to contain:

- The name and address of the employment site where the business closing or mass layoff will occur;
- The nature of the planned action (i.e., whether it is a business closing or a mass layoff), and whether it is expected to be permanent or temporary;
- The expected date of the first separation and the anticipated schedule for making separations;
- The job titles of positions to be affected, the number of affected employees in each job classification and the names of the workers currently holding those jobs;
- A statement as to the existence of any applicable bumping rights;
- Identification of other representatives, if any, of other affected employees at the same site; and
- The name, address, and telephone number of a company official to contact for further information.

### 2. Notice to affected employees

Notice to each affected employee is to be written in language understandable to the employee and is to contain:

- The name and address of the employment site where the business closing or mass layoff will occur;
- The nature of the planned action (i.e., whether it is a business closing or a mass layoff), and whether it is expected to be permanent or temporary;
- The expected date when the business closing or mass layoff will commence and the expected date when the individual employee will be separated;
- A statement as to the existence of any applicable bumping rights; and
- Contact information for the local Workforce Development Board (WDB).

### 3. Notice to local government

Notice to the chief elected official of the unit of local government and/or the highest official of any municipality in which the affected employment site is located is to contain:

- The name and address of the employment site where the business closing or mass layoff will occur;
- The nature of the planned action (i.e. whether it is a business closing or a mass layoff);
- The expected date of the first separation and the anticipated schedule for making separations;
- The job titles of positions to be affected and the number of affected employees in each job classification;
- A statement as to the existence of any applicable bumping rights;
- The name of each union representing affected employees, and the name and address of the chief elected officer of each union; and
- The name, address, and telephone number of a company official to contact for further information.

The "chief elected official of the unit of local government" will vary according to the local government structure. In the case of elected boards, the notice is to be served to the board's chairperson.

The term "unit of local government" means any general purpose political subdivision of a state, which has the power to levy taxes and spend funds as well as having general corporate and police powers.

When a covered employment site is located in more than one unit of local government, the employer must give notice to the unit to which it determines it paid the highest taxes for the year preceding the year for which the determination is made. All local tax aid should be aggregated for this purpose.

### 4. Notice to the state

Notice to the Wisconsin Dislocated Worker Unit is to contain:

- The name and address of the employment site where the business closing or mass layoff will occur;
- The nature of the planned action (i.e. whether it is a business closing or a mass layoff);
- The expected date of the first separation and the anticipated schedule for making separations;
- The job titles of positions to be affected and the number of affected employees in each job classification;
- A statement as to the existence of any applicable bumping rights;
- The name of each union representing affected employees, and the name and address of the chief elected officer of each union;
- The name, address, and telephone number of a company official to contact for further information; and
- An assurance that all terminated employees will be paid all earned wages and agreed-upon fringe benefits upon termination.

## Services available through the Wisconsin Dislocated Worker Program

The State Dislocated Worker Program in the Department of Workforce Development was created to provide rapid response assistance to workers, companies, organized labor and communities affected by business closings or mass layoffs. The Workforce Investment Act ensures that employment and training services are made available quickly through locally operated programs and state level rapid response coordinators.

### Initial Rapid Response Assistance

Assistance provided by the State Dislocated Worker Unit could include the following:

- Facilitating an initial planning meeting
- Exploring the feasibility of an in-plant assistance committee
- Organizing and training an in-plant assistance committee
- Planning an orientation meeting for all affected employees
- Conducting an employee survey to determine services needed
- Developing a re-employment strategy
- Coordinating services among private and public employment and training agencies
- Assisting in applying for additional funds for special projects involving larger dislocation events

### Services Available Through the Program

Services are provided through local dislocated worker programs. The following activities illustrate the range of services available to dislocated workers as they plan their individual re-employment strategies:

### Core Services

- Eligibility determination
- Outreach, intake and orientation
- Initial assessment of skill levels
- Job search and placement assistance
- Career counseling
- Labor market information
- Job vacancy listings
- Assistance in establishing eligibility for other programs
- Follow-up services

### Intensive Services

- Comprehensive assessments of skill levels
- Development of an individual employment plan
- Group counseling
- Individual counseling and career planning
- Case management
- Short-term prevocational services (learning skills, communication skills, interviewing skills, etc.)

### Training Services

- Individual training accounts
- On-The-Job Training
- Customized Training

### Additional Services

Early intervention is important in developing options and strategies for employers, their employees, and communities.

Additional services and benefits accessible to dislocated workers are available through, but are not limited to Wisconsin Job Centers, local Workforce Development Boards, Job Service, Unemployment Insurance, Wisconsin Technical College System, and labor organizations.

A poster entitled "Notice of Employee Rights Under Wisconsin's Business Closing/Mass Layoff Notification Law" must be posted in one or more places where notices to employees are customarily posted.

It defines business closings and mass layoffs and discusses exemptions to the law. The penalty for non-compliance is also covered.

The poster can be obtained at no charge through the Wisconsin Equal Rights Division by calling 608/266-6860 and asking for Poster ERD-9006.

**El cartel existe solo en ingles.**

<https://jobcenterofwisconsin.com>

**888/258-9966** (toll free)

[jobcenterofwisconsin@dwd.wisconsin.gov](mailto:jobcenterofwisconsin@dwd.wisconsin.gov)

*We invite your comments.*

The Department of Workforce Development does not discriminate on the basis of disability in the provision of services or in employment. If you need this printed material interpreted or in another form, or if you need assistance in using this service, please contact the Dislocated Worker Unit at 608/266-7406.

The Department of Workforce Development (DWD) is an equal opportunity employer and service provider. DWD does not discriminate on the basis of disability in the provision of services or employment. If you need this printed material interpreted, translated, in a different form, or if you need assistance in using this service, please contact us at 888-258-9966. Deaf, hard of hearing or speech impaired callers may reach us through (866-275-1165) or contact us through the Wisconsin Relay Service number, 711.

DETW-10327-P (R. 11/2016)

# Business closings and mass layoffs

## Notification requirements and services available

### How you can help ...

- *your business*
- *your employees*
- *your community*

## Wisconsin Dislocated Worker Unit 608/266-7406

All calls will be confidential  
<http://dwd.wisconsin.gov/dislocatedworker/>

### Department of Workforce Development Division of Employment and Training

201 E. Washington Ave  
P.O. Box 7972  
Madison, WI 53707-7972  
FAX: 608/267-2392

Offices are open Monday through Friday,  
7:45 am to 4:30 pm

Samples of notification letters to employees and to the Wisconsin Dislocated Worker Unit are available upon request.



A proud partner of the American Job Center network.