



Additional Disclosure Requirement for Wisconsin Business Closing and Mass Layoff (WARN) Effective December 16, 2009

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The Wisconsin Business Closing and Mass Layoff Law (commonly known as Wisconsin WARN) requires employers with 50 or more employees to provide advance notice of (a) business closings that permanently or temporarily affect 25 or more employees, or (b) mass layoffs that affect at least 25 employees or 25% of the employer's workforce (whichever is greater) or at least 500 employees. Employers must provide notices required under Wisconsin WARN to (1) the Department of Workforce Development, (2) any affected employee, (3) any collective bargaining representative of any affected employee, and (4) the highest official of any municipality in which the affected employment site is located. These notices must generally be provided no later than 60 days before the business closing or mass layoff.

Wisconsin WARN specifies the information that must be included in each notice to fulfill the regulatory requirements of that law. On December 1, 2009, the Wisconsin legislature amended Wisconsin WARN by requiring an additional disclosure in the notice to affected employees. Effective December 16, 2009, the notice to affected employees must provide contact information for the local workforce development board serving the area in which the affected employment site is located. Moreover, if available at that time, the notice must list resources available in the area for career planning, job search, job skills training and other support services (as compiled by the local workforce development board.)

Employers who fail to provide the required notice to affected employees may be liable to each affected employee for back pay and any benefits the employee would have received under an employee benefit plan (including costs of medical treatment that would have been covered) for up to 60 days. Successful plaintiffs may also recover costs and reasonable attorneys' fees. In addition, the employer

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may be assessed a surcharge by the Department of Workforce Development of not more than \$500 a day for each day that a required notice was not given to the highest official of the applicable municipality.

Any employer considering a mass layoff or business closing must review both the Wisconsin WARN requirements and the federal WARN requirements. The attorneys in Reinhart's [Labor and Employment Department](#) are available to assist you in complying with the required state and federal laws.

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