

Amendments to NJ WARN Act Bring Stricter Requirements than Previous NJ WARN and Federal WARN Acts

What You Need to Know:

On January 10, 2023, New Jersey Governor Phil Murphy signed into law a bill (A-4768) that sets April 10, 2023, as the date on which long-delayed changes to the New Jersey Millville Dallas Airmotive Plant Job Loss Notification Act (NJ WARN Act) will become effective. The NJ WARN Act, along with its federal WARN Act counterpart, requires subject employers to provide advance notice to employees as part of a mass layoff or the termination or transfer of business operations.

The amended NJ WARN Act differs significantly from the previous state law in a number of far-reaching aspects and is also stricter than the federal WARN Act. The following is an overview of the key differences between the amended NJ WARN Act and both the previous NJ WARN Act and the federal WARN Act:

By way of background, legislation amending the NJ WARN Act was first signed into law by Governor Murphy on January 21, 2020 - the changes were set to be implemented in the summer of 2020. By Executive Order, however, the Governor put off that implementation until 90 days after the pandemic-related "state of emergency" ended. With the recent passage of A-4768, the New Jersey legislature disassociated implementation of the amended NJ WARN Act.

Of further note, advance notice of mass layoffs or other NJ WARN-triggering events must be provided to each employee to be terminated, as well as to any collective bargaining units, the chief elected official of the municipality, and the Commissioner of Labor and Workforce Development.

Next Steps for Employers

Employers who may be facing a significant reduction in their workforce or another change in their business operations that may trigger compliance requirements under either the amended NJ WARN Act or the federal WARN Act should pay careful attention to their obligations under both statutes to avoid costly economic consequences.

Please contact the author of this Alert with questions or to discuss your specific business circumstances.



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