

New Jersey's Mini-WARN Act Modified in Response to COVID-19 Pandemic

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The New Jersey Millville Dallas Airmotive Plant Job Loss Notification Act (N.J. Mini-WARN Act or the Act) was amended on March 14, 2020 to adapt to economic conditions resulting from the COVID-19 pandemic. The N.J. Mini-WARN Act now exempts employers from having to comply with its provisions in national emergencies. In addition, the stricter requirements and additional penalties for employers that failed to comply that were slated to go into effect on July 19, 2020, have been postponed.

What is the New Jersey Mini-WARN Act?

The N.J. Mini-WARN Act requires that an employer with 100 or more employees provide its employees with 60 days' notice prior to terminating 50 or more employees in certain situations. The Act always provided that an employer was exempt in the case of a national emergency from the 60 day notice requirement, in certain types of plant closings.

National Emergency Now Exempts Employers Since March 9, 2020

As of the amendment, the Act provides that employers are exempt in *all circumstances* from providing 60 days' notice to terminated employees if the reason the employer terminates 50 or more employees is as a result of a national emergency. Because President Trump has declared that the COVID-19 pandemic is a national emergency, the Act effectively no longer applies to businesses that engage in a lay-off of 50 or more employees or a shut-down of a business or plant that affects 50 or more employees as a result of the pandemic. Notably, the amendment is retroactive to March 9, 2020.

New Requirements Delayed in New Jersey

Before this pandemic hit New Jersey, new employer requirements were scheduled to go into effect on July 19, 2020 to the N.J. Mini-WARN Act. The amendment pushes the date by which these requirements take effect forward to 90 days after the termination of New Jersey Governor Phil Murphy's Executive Order No. 103, which declared a state of emergency for New Jersey. Notably, the requirement that employers pay severance to employees in the case of mass layoffs or terminations of 50 or more employees will not go into effect on July 19, 2020, as previously expected.

If you are an employer and need help navigating the New Jersey Mini-WARN Act or any other employment laws during this COVID-19 crisis, contact [Stephanie Gironda](#) or any member of the Wilentz [Employment Law Team](#).

Attorney

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Practice

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