

ASSEMBLY, No. 3583

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 6, 2010

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

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District 1 (Cape May, Atlantic and Cumberland)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires prenotification of mass layoffs by holding company or franchisor at multiple franchise locations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/2011)

1 AN ACT concerning prenotification of certain plant closings,
2 transfers and mass layoffs and amending P.L.2007, c.212.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.2007, c.212 (C.34:21-1) is amended to read
8 as follows:

9 1. As used in this act:

10 "Commissioner" means the Commissioner of Labor and
11 Workforce Development.

12 "Department" means the Department of Labor and Workforce
13 Development.

14 "Employer" means an individual or private business entity which
15 employs the workforce at an establishment. "Employer" includes a
16 holding company or franchisor which operates one or more
17 franchise locations, and all of the franchise location owners or
18 franchisees of the franchisor.

19 "Establishment" means a single place of employment which has
20 been operated by an employer for a period longer than three years,
21 but shall not include a temporary construction site. "Establishment"
22 may be a single location or a group of contiguous locations,
23 including groups of facilities which form an office or industrial park
24 or separate facilities just across the street from each other, or one or
25 more franchise locations of a franchisor.

26 "Facility" means a building.

27 "Franchise location" means an establishment operated by a
28 franchisee of a common franchisor, which establishment may share
29 a common name or business model with one or more other franchise
30 locations of a common franchisor.

31 "Full-time employee" means an employee who is not a part-time
32 employee.

33 "Mass layoff" means a reduction in force which is not the result
34 of a transfer or termination of operations and which results in the
35 termination of employment at an establishment during any 30-day
36 period for 500 or more full-time employees or for 50 or more of the
37 full-time employees representing one third or more of the full-time
38 employees at the establishment.

39 "Operating unit" means an organizationally distinct product,
40 operation, or specific work function within or across facilities at a
41 single establishment.

42 "Part-time employee" means an employee who is employed for
43 an average of fewer than 20 hours per week or who has been
44 employed for fewer than six of the 12 months preceding the date on
45 which notice is required pursuant to this act.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Response team" means the plant closing response team
2 established pursuant to section 5 of this act.

3 "Termination of employment" means the layoff of an employee
4 without a commitment to reinstate the employee to his previous
5 employment within six months of the layoff, except that
6 "termination of employment" shall not mean a voluntary departure
7 or retirement or a discharge or suspension for misconduct of the
8 employee connected with the employment or any layoff of a
9 seasonal employee or refer to any situation in which an employer
10 offers to an employee, at a location inside the State and not more
11 than 50 miles from the previous place of employment, the same
12 employment or a position with equivalent status, benefits, pay and
13 other terms and conditions of employment, and, except that a layoff
14 of more than six months which, at its outset, was announced to be a
15 layoff of six months or less, shall not be treated as a termination of
16 employment under this act if the extension beyond six months is
17 caused by business circumstances not reasonably foreseeable at the
18 time of the initial layoff, and notice is given at the time it becomes
19 reasonably foreseeable that the extension beyond six months will be
20 required.

21 "Termination of operations" means the permanent or temporary
22 shutdown of a single establishment, or of one or more facilities or
23 operating units within a single establishment, except that
24 "termination of operations" shall not include a termination of
25 operations made necessary because of a fire, flood, natural disaster,
26 national emergency, act of war, civil disorder or industrial sabotage,
27 decertification from participation in the Medicare and Medicaid
28 programs as provided under Titles XVIII and XIX of the federal
29 "Social Security Act," Pub.L.74-271 (42 U.S.C. s.1395 et seq.) or
30 license revocation pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

31 "Transfer of operations" means the permanent or temporary
32 transfer of a single establishment, or one or more facilities or
33 operating units within a single establishment, to another location,
34 inside or outside of this State.

35 (cf: P.L.2007, c.212, s.1)

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37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill revises the definition section of the "Millville Dallas
43 Airmotive Plant Job Loss Notification Act," P.L.2007, c.212
44 (C.34:21-1 et seq.), also known as New Jersey's "Warn Act," to
45 broaden the scope of that act to include one or more franchise
46 locations of a franchisor or holding company. In so doing, the bill
47 intends to bring mass layoff or termination of employment at more
48 than one franchise location within the purview of the act.