

April 7, 2009

H 1169. ENACT WARN-NC/GIVE 90-DAY LAYOFF NOTICE. Filed 4/7/09. *ENACTING THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT OF NORTH CAROLINA TO PROVIDE THAT NORTH CAROLINA WORKERS RECEIVE NINETY DAYS' ADVANCE NOTICE OF MASS LAYOFFS AND PLANT CLOSINGS.*

Amends Chapter 95 of the General Statutes to add a new Article governing worker adjustment and retraining notification. Defines affected employees, bumping rights, constructive discharge, employer, employment loss, facility, operating unit, mass layoff, part-time worker, plant closing, and single site of employment. Requires that certain employers provide written notice at least 90 calendar days in advance of a plant closing or mass layoff in order to assure that assistance can be provided to effected employees, their families, and the appropriate communities. The notice is required when an employer is laying off at least 50 people in a single site of employment or employs 100 or more workers who work a combined 4,000 hours per workweek, and is a private for-profit business, a private nonprofit organization, or a quasi-public entity separately organized from regular government. Requires immediate mobilization, upon receipt of a notice, of the state's rapid response dislocated worker unit, the local departments of social services, the local offices of the Employment Security Commission, the community colleges, and other training and worker-related public educational resources, to assist affected employees. Provides that if an employer fails to provide the required notice, the employer is liable for an amount equal to back pay and benefits for the period of the violation, up to 90 days. Authorizes the Commissioner of Labor to enforce the Article, provides for certain statutory penalties, and authorizes a private right of action for affected employees. Specifies certain notice and reporting requirements. Directs the Department of Labor to adopt emergency rules in accordance with GS 150B-21.1A to implement the act. Directs certain state agencies, departments, and institutions to work with the Commissioner of Labor to enhance the state's response to plant closings and mass layoffs. The Commissioner of Labor must report to the General Assembly by April 1, 2010, on the enhancement of the state's response to plant closings and mass layoffs.

Intro. by Glazier.

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