

Adopt Lab 1700 to read as follows:

CHAPTER Lab 1700 NEW HAMPSHIRE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION (WARN) ACT

Statutory Authority: RSA 275-F: 7 and RSA 541-A: 16, I (b)(2)

PART Lab 1701 PURPOSE

Lab 1701.01 Purpose. The purpose of these rules are to define terms contained in RSA 275-F, to describe the notice required to be provided by RSA 275-F:3, and is to notify employers how to inform required parties of any exceptions under the statute.

PART Lab 1702 DEFINITIONS

Lab 1702.01 “Days” means calendar days, unless otherwise specified.

PART Lab 1703 RULES FOR PROVIDING NOTICE OF A MASS LAYOFF OR PLANT CLOSURE

Lab 1703.01 Any employer who is anticipating carrying out a plant closing or mass layoff shall give notice to affected employees or their representative(s). It shall be the employer’s responsibility to decide the most appropriate person within the employer’s organization to prepare and deliver the notice pursuant to Lab 1703.04.

Lab 1703.02 Unless excluded by Lab 1704, notice shall be given at least 60 days prior to any planned plant closing or mass layoff. The information in the notice shall be based on the best information available to the employer at the time the Notice is issued.

Lab 1703.04 Notification requirements

- (a) The employer’s written statement as described in Lab 1703.04 (b) shall be mailed via First Class US Mail to:
- (1) Affected employees and representatives of affective employees;
 - (2) The commissioner;
 - (3) The New Hampshire attorney general; and
 - (4) The chief elected official of each municipality in New Hampshire within which the plant closing or mass layoff occurs.
- (b) The written notice shall include the following information:
- (1) The name and address of the employment site where the plant closing or mass layoff will occur;
 - (2) A name and telephone number of a company official to contact for further information;
 - (3) A statement whether or not the planned action is expected to be permanent or temporary;

- (4) A statement whether or not the entire plant is to be closed;
- (5) The expected date of the first separation and the anticipated schedule for making separations;
- (6) The notice may also include additional information useful to the employees such as information on available dislocated worker assistance, and, if the planned action is expected to be temporary, the estimate duration, if known.

PART Lab 1704 EXCEPTIONS TO REQUIRED NOTIFICATION

1704.01 Reporting Basis for Reducing Notification Period. If an employer relies on an exception to the notice requirements of reporting a mass layoff or plant closure as articulated in Lab 1703.04, when notice is provided, pursuant to RSA 275-F:4, II, the employer shall include all of the required elements as outlined in Lab 1703.04 (a) and Lab 1703.04 (b) and shall also include a detailed statement as to why the employer was exempt from the initial reporting requirements contained in Lab 1703.02.

Appendix

Rule	Specific State or Federal Statutes which the Rule Implements
Lab 1701	RSA 275-F:1
Lab 1702	RSA 275-F:2
Lab 1703	RSA 275-F:3 and 29 U.S.C 2101 et seq.
Lab 1704	RSA 2875-F:4