



**U.S. Department of Labor
Employment and Training Administration**

Worker Adjustment and Retraining Notification Act

Natural Disaster

Fact Sheet

General Provisions

The Worker Adjustment and Retraining Notification (WARN) Act requires certain employers to provide at least 60 calendar days advance written notice of a plant closing or mass layoff affecting 50 or more employees at a single site of employment. The Act makes certain exceptions to the requirements when dislocations occur due to natural disasters if the employees are unreachable and the employment site is destroyed. The following responses represent the U.S. Department of Labor's best reading of the WARN Act and regulations. Employers should be aware that the U.S. Federal Court solely enforces the Act and these answers are not binding on the courts:

- When a plant closure or a mass layoff is the direct result of a natural disaster such as a hurricane, flood, earthquake, drought, storm, tidal wave, or similar events caused by nature, employers are obligated to give as much notice as possible, even if the notice comes after a disaster. To comply with the law, the employer may send notice to the employee's last known address, even if their homes are destroyed. This would indicate good faith. The regulations recognize that the available information may be limited.
- If the plant is destroyed as a result of a natural disaster and the employment records are all gone, and the employer cannot send individual notices, the employer should try to show good faith by either posting notices at the worksite including a statement that individual notice is not possible because the employment records have been destroyed or by providing a notice in a newspaper to the same effect or both.
- If the employer does not have access to its employment site or employees last known address, the employer should do what it would do if the plant is destroyed.

In all likelihood, if the employer gave no notice in those circumstances, it may not be held liable for failure. On the other hand, if the employer wants to rebuild, it may be in its interest to make efforts to contact its employees to be sure it has a workforce when it reopens.

Additional Information

For all WARN Act questions or for more information concerning natural disasters under WARN contact:
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Division of Worker Dislocation and Special Response
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