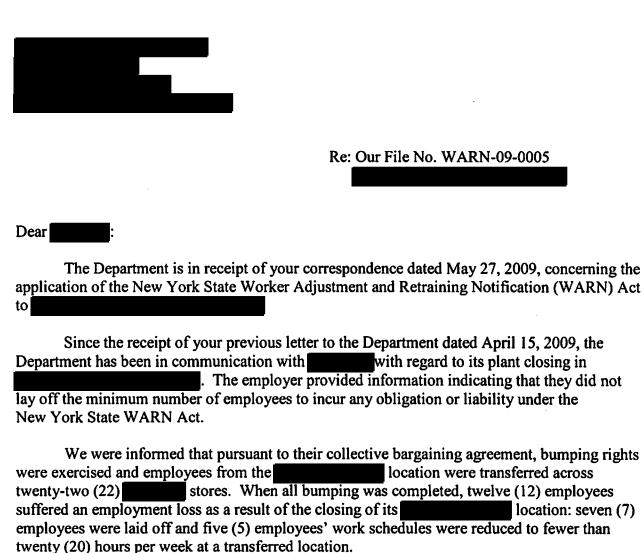


June 11, 2009



Under the New York State WARN Act, a "plant closing" means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at the single site of employment during any 30-day period at such site for 25 or more employees, excluding any part-time employees. Further, an "employment loss" shall not result where the employer offers to transfer the employee to any other site of employment, regardless of the distance, with

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no more than a six month break in employment, and the employee accepts within thirty days of the offer of the closing or mass layoff, whichever is later.

The facts of this case do not support a finding that was obligated to provide ninety days WARN notice under New York Law. If you have any questions or require further information pertinent to this case, please do not hesitate to contact me at (518) 457-4380 or shannon.lawlor@labor.state.ny.us.

Very truly yours,

Maria L. Colavito Counsel

By: Shannon J. Lawlor

Atterney II

MLC:SLJ:cmh

cc: Bruce Herman
Janet Faraone

Terri Gerstein

bcc: Colleen Gardner .