

Notification Form
under the
Millville Dallas Airmotive Plant Job Loss Notification Act
N.J.S.A. 34:21-1, et seq.

Any restatement or summary of the law, which is contained in this document is intended for informational purposes only. The Department of Labor and Workforce Development has neither enforcement authority, nor rulemaking authority under the Millville Dallas Airmotive Plan Job Loss Notification Act, N.J.S.A. 34:21-1, et seq. (the Act). The role of the Department of Labor and Workforce Development under the Act is limited to: (1) dispatching the rapid response team to, among other things, provide appropriate information, referral and counseling to workers who are subject to plant closings or mass layoffs and (2) making available to employers the form upon which notification shall be provided under the Act.

Under the Act, prenotification of certain plant closings, transfers, and mass layoffs is required by way of completion of this Notification Form.

The entire law can be viewed at: nj.gov/labor/employer-services/warn

If you are an individual or private business entity that employs the workforce at a place of employment which has been in operation for a period longer than three years, and you employ 100 or more employees, you must comply with the requirements of the Act if you anticipate any of the following events. The following definitions and those included elsewhere within this notification form are taken directly from the Act.

Mass Layoff

"Mass layoff" means a reduction in force which is not the result of a transfer or termination of operations and which results in the termination of employment at an establishment during any 30-day period for 50 or more of the employees at or reporting to the establishment.

Termination of Operations

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

Transfer of Operations

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

Type or Print All Applicable Information

Company Information

Company Name		
Address		
City	State	ZIP Code
County		
Contact Person		
Telephone number	Ext.	
Fax		
Email		

Union Information (if applicable)

Union Name	Local Number	
Address		
City	State	ZIP Code
Contact Person		
Telephone number	Ext.	
Fax		
Email		

“Termination of employment” means the layoff of an employee without a commitment to reinstate the employee to his previous employment within six months of the layoff, except that “termination of employment” shall not mean a voluntary departure or retirement or a discharge or suspension for misconduct of the employee connected with the employment or any layoff of a seasonal employee or refer to any situation in which an employer offers to an employee, at a location inside the State and not more than 50 miles from the previous place of employment, the same employment or a position with equivalent status, benefits, pay and other terms and conditions of employment, and, except that a layoff of more than six months which, at its outset, was announced to be a layoff of six months or less, shall not be treated as a termination of employment under N.J.S.A. 34:21-1 et seq., if the extension beyond six months is caused by business circumstances not reasonably foreseeable at the time of the initial layoff, and notice is given at the time it becomes reasonably foreseeable that the extension beyond six months will be required.

Termination Information—C.34:21-3

a. Number of employees to be terminated: _____

Date(s) on which each termination of employment will occur:

Date(s) on which mass layoff or transfer or termination of operations of the establishment will occur:

b. Reason for termination: ☐ Mass Layoff ☐ Transfer of Operations ☐ Termination of Operations

Explain the reason(s) for mass layoff or transfer or termination of operations:

c. Is any employment being offered to terminated employees at any other establishment operated by the employer?

☐ Yes ☐ No

If yes, provide detailed information regarding the benefits, pay, and other terms and conditions of that employment and the location of the other establishment:

d. Please state any employee rights with respect to wages, severance pay, benefits, pension or other terms of employment as they relate to the termination, including, but not limited to, any rights based on a collective bargaining agreement or other existing employer policy.

d1. Rights to wages?

☐ Yes ☐ No

If yes, please explain.

d2. Rights to severance pay?

☐ Yes ☐ No

If yes, please explain.

d3. Rights to pension?

☐ Yes ☐ No

If yes, please explain.

d4. Rights to benefits?

☐ Yes ☐ No

If yes, please explain.

d5. Rights to other terms of employment?

☐ Yes ☐ No

If yes, please explain.

Severance pay, which is payable under the Act to each employee whose employment is terminated:

The employer who operates the establishment or conducts the mass layoff, in the case of the employer who employs 100 or more employees, shall provide to each employee whose employment is terminated severance pay equal to one week of pay for each full year of employment. If the employer provides any employee with less than 90 days notification before the first termination of employment occurs in connection with the termination or transfer of operations, or mass layoff, the employer shall provide that employee with an additional four weeks of severance pay. The rate of severance pay provided by the employer shall be the average regular rate of compensation received during the employee's last three years of employment with the employer or the final regular rate of compensation paid to the employee, whichever rate is higher. Severance pay under the Act shall be regarded as compensation due to an employee for back pay and losses associated with the termination of the employment relationship, notwithstanding the calculation of the amount of the payment with reference to the employee's length of service. An employer shall provide an employee the severance pay required under the Act or any severance pay provided by the employer pursuant to a collective bargaining agreement or for any other reason, whichever is greater. Any back pay provided by the employer to the employee pursuant to section 5 of the "Worker Adjustment and Retraining Notification Act," Pub.L.100-379 (29 U.S.C. s.2104), because of a violation of section 3 of that act (29 U.S.C. s.2101) shall be credited toward meeting the severance pay requirements of the Millville Dallas Airmotive Job Loss Notification Act.

Response Team Services:

In accordance with the Act, there is established within the Department of Labor and Workforce Development a response team, the purpose of which is to provide appropriate information, referral and counseling to workers who are subject to plant closings or mass layoffs. The information, referral and counseling provided by the response team will address available public programs which make it possible to delay or prevent the transfer or termination of operations, including economic development incentive and workforce development programs, public programs or benefits which may be available to assist the employees, including but not limited to, unemployment compensation benefits, job training or retraining programs, and job search assistance; and employee rights based on the Act, or any other law which applies to the employees with respect to wages, severance pay, benefits, pensions or other terms of employment as they relate to the termination of employment.

Employers covered by the Act are required to provide the response team with the amount of on-site work-time access to the employees of the establishment that the response team determines is necessary for the response team to carry out its responsibilities under the law.

Please provide the completed Notification Form to:

⇒ **The Commissioner of Labor and Workforce Development**

Robert Asaro-Angelo, Commissioner
Attention: Rapid Response Team
Department of Labor and Workforce Development
PO Box 933
Trenton, New Jersey 08625-0933

Phone: 1-800-343-3919
Fax: 609-777-3020
Email: *RapidResponse@dol.nj.gov*

⇒ **The Chief Elected Official of the municipality where the establishment is located**

⇒ **Each employee whose employment is to be terminated**

⇒ **Any collective bargaining units of employees at the establishment**