

April 27, 2020

New York Relaxes Layoff Notification Requirements for Some Employers Due to COVID-19

On April 17, New York Governor Andrew Cuomo signed Executive Order No. 202.19, which eases the notification requirements under New York's Worker Adjustment and Retraining Notification Act (NY WARN). Under NY WARN, employers generally must give employees and government officials 90 days' advance notice prior to conducting mass layoffs. The executive order relaxes those requirements for employers that previously laid off employees and then rehired them after receiving federal Paycheck Protection Program (PPP) funding. Now, if employers must lay off those employees a second time after receiving PPP funding, they may provide less than the full 90 days' notice required by NY WARN, as long as they still provide as much notice as practicable. Further, to take advantage of this exception, employers must also have complied with NY WARN prior to their initial layoffs.

New York is not the only state to amend its WARN Act notification requirements in light of the COVID-19 pandemic. As we previously reported [here](#), New Jersey delayed several amendments that would have expanded its WARN Act significantly. It also clarified that employers conducting mass layoffs may claim a complete exemption from the state's notice requirement if the layoffs are conducted as a result of certain specified reasons, including a natural disaster or national emergency.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our [COVID-19 Resource Center](#).

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

Authors



Daniel L. Schwartz

Partner

Stamford, CT | (203) 977-7536

New York, NY | (212) 297-5800

dlschwartz@daypitney.com



Heather Weine Brochin

Partner

Parsippany, NJ | (973) 966-8199

New York, NY | (212)-297-5800

hbrochin@daypitney.com



Rachel A. Gonzalez

Partner

Parsippany, NJ | (973) 966-8201

New York, NY | (212) 297-5800

rgonzalez@daypitney.com