



2 of 100 DOCUMENTS

NEW JERSEY REGISTER
Copyright © 2010 by the New Jersey Office of Administrative Law

VOLUME 42, ISSUE 10

ISSUE DATE: MAY 17, 2010

RULE PROPOSALS

**LABOR AND WORKFORCE DEVELOPMENT
STATE DISLOCATED WORKER UNIT**

42 N.J.R. 895(a)

Proposed Readoption: N.J.A.C. 12:40

[Click here to view Interested Persons Statement](#)

WARN Notification Procedures

Authorized By: David J. Socolow, Commissioner, Department of Labor and Workforce Development.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e); P.L. 100-379; and 20 *CFR* 639.6(c).

Calendar Reference: See Summary below for explanation of exception to the calendar requirement.

Proposal Number: PRN 2010-053.

A **public hearing** on the proposed readoption will be held on the following date at the following location:

Thursday, June 10, 2010
10:00 A.M. to 12:00 Noon
NJ Department of Labor and Workforce Development
John Fitch Plaza
2nd Floor, Large Conference Room
Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by July 16, 2010 to:

David Fish, Regulatory Officer
Office of Legal and Regulatory Services
NJ Department of Labor and Workforce Development
P.O. Box 110 - 13th Floor
Trenton, New Jersey 08625-0110

If you need this document in Braille, large print or audio cassette, contact the Office of Marketing at (609) 292-7832 or NJ Relay (TTY) 1-800-852-7899.

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, N.J.A.C. 12:40, WARN Notification Procedures, was scheduled to expire on January 13, 2010. Pursuant to Executive Order No. 1 (2010), the chapter expiration date is extended from January 13, 2010, until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The subject rules set forth the procedures for serving notice of a plant closing or mass layoff to the State Dislocated Worker Unit. The Department of Labor and Workforce Development has reviewed N.J.A.C. 12:40 and has determined the chapter to be necessary, reasonable and proper for the purposes for which it was originally promulgated. Accordingly, the Department proposes that N.J.A.C. 12:40 be readopted without amendments.

A summary of the sections proposed for readoption follows:

N.J.A.C. 12:40-1.1 sets forth the purpose and scope of the subchapter.

N.J.A.C. 12:40-1.2 sets forth the standard, which is adopted from the Federal rules by reference.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption would enable the Department to continue to provide employers with the correct procedures for WARN notification as outlined in the Federal regulations.

Economic Impact

The rules proposed for readoption would have no economic impact. The rules would simply continue to require that employers of 100 or more workers provide notice of a plant closing or mass layoffs in accordance with the Federal procedures codified at 20 CFR 639. These procedures include notice to the State Dislocated Worker Unit.

Federal Standards Statement

The rules proposed for readoption would not exceed standards imposed by Federal law at 20 CFR 639 et seq. (Workers Adjustment and Retraining Notification). Consequently, no Federal standards analysis is required.

Jobs Impact

The rules proposed for readoption would not have an impact on jobs. The Department does not anticipate that there would be an increase or decrease in jobs as a result of these rules.

Agriculture Industry Impact

The rules proposed for readoption would have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption would not impose any additional reporting, recordkeeping or compliance requirements on small business as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption would continue to require employers of 100 or more workers within the State of New Jersey to comply with Federal procedures, which require notice of a plant closing or mass layoffs in accordance with 20 CFR 639. These procedures include notice to the State Dislocated Worker Unit.

Smart Growth Impact

The rules proposed for readoption would not have an impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for readoption would not evoke a change in the average costs associated with housing. The basis for this finding is that the rules proposed for readoption pertain to the notification procedures for plant closings or mass layoffs in accordance with 20 CFR 639, not housing.

Smart Growth Development Impact

The rules proposed for readoption would not evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the rules proposed for readoption pertain to the notification procedures for plant closings or mass layoffs in accordance with 20 CFR 639, and have nothing whatsoever to do with housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere in the State of New Jersey.

[page=896] **Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:40.