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Media Contact:

Anthony Snyder
Fox Valley Workforce Development Board, Inc.
Text 920-850-2032
asnyder@fywdb.com
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The COVID-19 Crisis Does Not Eliminate the Need for a WARN Notice; Cost of Non-Compliance May Be Financially Devastating

The Fox Valley Workforce Development Board, a 501(c)3 not-for-profit based in Neenah with a focus on workforce training and job search assistance, urges local employers who are laying off employees temporarily or permanently not to skip the filing of the required Worker Adjustment and Retraining Notification (WARN) Notice.

“With a record number of individuals being laid off due to the COVID-19 pandemic, the Board and our local American Job Centers want to be prepared for when our doors re-open after the Governor’s Safer at Home order expires,” said Anthony Snyder, CEO of the FVWDB. “Right now, businesses are closing, but very few WARN notices are being received. We want to be prepared to assist these laid off workers with resume development, job search assistance and possible retraining and right now, we’re working with an absence of information. We don’t know what level these layoffs are temporary or permanent.”

The filing of a WARN notice is not just going to be helpful for the agencies who will be serving these unemployed, but failure to do so can result in significant financial penalties for an

employer. Both the state and federal laws contain provisions that allow aggrieved employees to recover up to 60 days of back pay and benefits for the period of time that notice was required but not provided. Additional monetary penalties may be assessed if the employer fails to provide timely notice to the required unit of local government.

“The COVID-19 crisis has many of our typical business processes cast aside, but filing an appropriate WARN notice has not been waived,” said Snyder. “Failure to file could result in hundreds of thousands of dollars in back pay and benefits for the workers impacted; potentially devastating to the employer’s future ability to operate.”

The notice requirements under Wisconsin’s Business Closing and Mass Layoff (WBCML) law apply to employers with 50 or more employees in Wisconsin, although all employers of any size are strongly encouraged to file. Most WARN notices just need to include the name and addresses of the locations being closed, the date they were closed or will be closed and the number of workers impacted. It’s also critical for the Board to know if the layoffs are temporary or permanent. The information should be sent via email to: WIOATitleI@dwd.wisconsin.gov.

- Details on the full process can be found here:
dwd.wisconsin.gov/dislocatedworker/employer/tools/notice/default.htm.
- A list of all filed WARN notices are found here:
dwd.wisconsin.gov/dislocatedworker/warn/.

FVWDB operates five job centers in the region, all currently closed due to Governor Evers’ stay at home order. Individuals looking for temporary roles at essential employers can find a list, updated every two weeks, at www.foxvalleywork.org.

For more information on the Fox Valley Job Centers or the work of the Fox Valley Workforce Development Board, please visit www.foxvalleywork.org or call 920-720-5600.

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Fox Valley Workforce Development Board (FVWDB) is a not-for-profit building a world-class workforce in northeast Wisconsin. Serving six counties — Calumet, Green Lake, Fond du Lac, Waupaca, Waushara and Winnebago — FVWDB collaborates with a number of state and local workforce partners to help job seekers gain the skills needed to find employment and help businesses find the highly skilled workers they need.

FVWDB is an Equal Opportunity Employer and Service Provider.

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