

## MDM&C Update

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### ***Coronavirus - Information for Connecticut Employers***

To state that there is some confusion over employment issues in connection with the coronavirus is to state the obvious. Among the issues that have arisen is the application of WARN in the event that an employer closes down its business or lay-offs a number of employees.

The Worker Adjustment and Retraining Notification (WARN) Act is a federal law that requires covered employers that are preparing for a business closing or mass layoff to give affected employees at least sixty (60) calendar days advance notice of the impending employment action.

**EXCEPTION:** The WARN notice is **not required** if the plant closing or the mass layoff is the result of “unforeseen business circumstances.” Nor is the WARN notice required if the plant closing or mass layoff is the result of a “natural disaster.”

The economic conditions brought on by the coronavirus would certainly be considered “unforeseen business circumstances” and the virus itself could be considered a “natural disaster.”

In short, **WARN does not apply to shut-downs and layoffs in response to the coronavirus or the economic conditions brought on by the virus.**

Some commentators have suggested that lay-offs in connection with the coronavirus are not “unforeseen” because of the media reports surrounding the coronavirus. Although no one can predict with certainty how a court will rule, it is very unlikely that a court will conclude that the economic fall-out from the virus was foreseeable enough that employers are required to give employees a 60 day notice before a layoff.

If you have any questions about this or any other employment issue, please feel free to contact **Bernard E. Jacques** at [bjacques@mdmc-law.com](mailto:bjacques@mdmc-law.com).

## *Offices*

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