

**ASSEMBLY BILL NO. 1044**  
**(Fourth Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 1044 (Fourth Reprint) with my recommendations for reconsideration.

This bill would require private employers with 100 or more full-time employees to provide employees, union representatives and certain government officials with at least 90 days notice prior to any "mass layoff," "transfer of operations," or "termination of operations," as defined in the bill.

An employer's failure to provide notice in accordance with the provisions of the bill would result in the employer paying severance pay to each full-time employee that is equal to one week's pay for each full year the employee worked for the employer. The bill further provides that the amount of the severance would be calculated based on either 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. The bill would require the severance pay to be in addition to any other severance pay provided by the employer to the employee pursuant to a collective bargaining agreement or for any other reason. The bill would also authorize the employee, or a representative, to initiate suit in Superior Court to enforce these protections.

I commend the sponsors for crafting a bill that seeks to balance the needs of both employees and employers and to address shortcomings with the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 et seq. ("WARN Act"). It is imperative that employees, union representatives, and governmental officials be provided notice prior to any mass layoffs or plant closures or transfers. Advance notification will allow public officials, employees, and their

representatives to bring their energies to bear to save or restructure going concerns, or, in the alternative, afford government the lead time necessary to implement job training and other workforce programs in a timely fashion. However, employers benefit from consistency with respect to notification laws of this type. In this respect, it is important to note that, under the federal WARN Act and under the laws of other states that have adopted their own plant-closure mandatory notice laws, employers are required to provide at least 60 days notice.

While I strongly encourage all employers to provide employees with as much notice as possible, and I support efforts in the Congress to lengthen the minimum notice provided under the WARN Act from 60 to 90 days, I recommend that New Jersey use the notification period that currently is in use in all other states - 60 days. I further recommend that this notice period be automatically extended to match any extension that may be made in the notice period under the WARN Act.

Accordingly, I herewith return Assembly Bill No. 1044 (Fourth Reprint) and recommend that it be amended as follows:

Page 3, Section 2, Line 43:

Delete "90" and insert "60 or the period of time required pursuant to the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 et seq., or any amendments thereto, whichever is longer"

Respectfully,

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kenneth H. Zimmerman

Chief Counsel to the Governor