

ASSEMBLY, No. 1985

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

SYNOPSIS

Provides for expedited injunction for violations of law requiring prenotification of certain plant closings, transfers and mass layoffs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning injunctive relief with respect to prenotification
2 of certain plant closings, transfers and mass layoffs and
3 supplementing P.L.2007, c.212 (C.34:21-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. The Commissioner of Labor and Workforce Development
9 is hereby authorized to apply for and the court to grant in an
10 appropriate case, a temporary or permanent injunction restraining
11 any employer from violating or continuing to violate any of the
12 provisions of P.L.2007, c.212 (C.34:21-1 et seq.) or any rule or
13 regulation promulgated thereunder, notwithstanding the existence of
14 any other remedies at law. The court shall issue the injunction
15 without requirement of a bond.

16 b. Any injunction issued under subsection a. of this section
17 shall be subject to expedited judicial review.
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19 2. This act shall take effect immediately.
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22 STATEMENT
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24 This bill provides that the Department of Labor and Workforce
25 Development may request the court to grant an injunction against
26 any employer that violates any provisions of P.L.2007, c.212
27 (C.34:21-1 et seq.), the “Millville Dallas Airmotive Plant Job Loss
28 Notification Act.” It further provides that these injunctions are to
29 be subject to expedited judicial review.

30 The “Millville Dallas Airmotive Plant Job Loss Notification Act”
31 requires prenotification, of not less than 60 days, for certain
32 anticipated plant closings and mass layoffs in order to provide the
33 time needed to avoid closings of viable plants, and, if a closing is
34 unavoidable, to help workers to effectively utilize the services
35 needed to make a timely transition to new employment or
36 occupations.

37 Under the act, if the required prenotification is not given, the
38 employer must provide each terminated full-time employee
39 severance pay at a rate of one week of pay for each full year of
40 employment, based on the average rate of compensation during the
41 employee's last three years of employment or the final rate of
42 compensation, whichever rate is higher.

43 The act also establishes a response team in the Department of
44 Labor and Workforce Development to provide counseling, referral
45 and other appropriate services, as rapidly as possible, to workers
46 who are subject to plant closings or mass layoffs covered by the act.
47 The act requires an employer to provide the response team with
48 access to employees so that the team may carry out its

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1 responsibilities under the act.

2 This bill is in response to the sudden closing of the Jevic
3 Transportation Company, located in Delanco Township, Burlington
4 County, that resulted in the unexpected loss of approximately 1,000
5 jobs.