

- (1) a person in accordance with subsection (b) of this section; or
- (2) a governmental agency, but only insofar as the disclosed information is an admission of criminal conduct.

(Pub. L. 100-347, §9, June 27, 1988, 102 Stat. 652.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2007 of this title.

§ 2009. Effect on other law and agreements

Except as provided in subsections (a), (b), and (c) of section 2006 of this title, this chapter shall not preempt any provision of any State or local law or of any negotiated collective bargaining agreement that prohibits lie detector tests or is more restrictive with respect to lie detector tests than any provision of this chapter.

(Pub. L. 100-347, §10, June 27, 1988, 102 Stat. 653.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2006 of this title.

CHAPTER 23—WORKER ADJUSTMENT AND RETRAINING NOTIFICATION

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| Sec. | |
| 2101. | Definitions; exclusions from definition of loss of employment. <ul style="list-style-type: none"> (a) Definitions. (b) Exclusions from definition of employment loss. |
| 2102. | Notice required before plant closings and mass layoffs. <ul style="list-style-type: none"> (a) Notice to employees, State dislocated worker units, and local governments. (b) Reduction of notification period. (c) Extension of layoff period. (d) Determinations with respect to employment loss. |
| 2103. | Exemptions. |
| 2104. | Administration and enforcement of requirements. <ul style="list-style-type: none"> (a) Civil actions against employers. (b) Exclusivity of remedies. |
| 2105. | Procedures in addition to other rights of employees. |
| 2106. | Procedures encouraged where not required. |
| 2107. | Authority to prescribe regulations. |
| 2108. | Effect on other laws. |
| 2109. | Report on employment and international competitiveness. |

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 2 sections 1302, 1315, 1361, 1371, 1434; title 3 sections 402, 415.

§ 2101. Definitions; exclusions from definition of loss of employment

(a) Definitions

As used in this chapter—

(1) the term “employer” means any business enterprise that employs—

- (A) 100 or more employees, excluding part-time employees; or
- (B) 100 or more employees who in the aggregate work at least 4,000 hours per week (exclusive of hours of overtime);

(2) the term “plant closing” means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employ-

ment, if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding any part-time employees;

(3) the term “mass layoff” means a reduction in force which—

- (A) is not the result of a plant closing; and
- (B) results in an employment loss at the single site of employment during any 30-day period for—

- (i)(I) at least 33 percent of the employees (excluding any part-time employees); and
- (II) at least 50 employees (excluding any part-time employees); or
- (ii) at least 500 employees (excluding any part-time employees);

(4) the term “representative” means an exclusive representative of employees within the meaning of section 159(a) or 158(f) of this title or section 152 of title 45;

(5) the term “affected employees” means employees who may reasonably be expected to experience an employment loss as a consequence of a proposed plant closing or mass layoff by their employer;

(6) subject to subsection (b) of this section, the term “employment loss” means (A) an employment termination, other than a discharge for cause, voluntary departure, or retirement, (B) a layoff exceeding 6 months, or (C) a reduction in hours of work of more than 50 percent during each month of any 6-month period;

(7) the term “unit of local government” means any general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers; and

(8) the term “part-time employee” means an employee who is employed for an average of fewer than 20 hours per week or who has been employed for fewer than 6 of the 12 months preceding the date on which notice is required.

(b) Exclusions from definition of employment loss

(1) In the case of a sale of part or all of an employer’s business, the seller shall be responsible for providing notice for any plant closing or mass layoff in accordance with section 2102 of this title, up to and including the effective date of the sale. After the effective date of the sale of part or all of an employer’s business, the purchaser shall be responsible for providing notice for any plant closing or mass layoff in accordance with section 2102 of this title. Notwithstanding any other provision of this chapter, any person who is an employee of the seller (other than a part-time employee) as of the effective date of the sale shall be considered an employee of the purchaser immediately after the effective date of the sale.

(2) Notwithstanding subsection (a)(6) of this section, an employee may not be considered to have experienced an employment loss if the closing or layoff is the result of the relocation or consolidation of part or all of the employer’s business and, prior to the closing or layoff—

(A) the employer offers to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a 6-month break in employment; or