

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

JUNE 23, 2023

Final New York WARN Regulations Issued

The New York State Department of Labor issued [final regulations](#) making certain changes and additions to long-existing regulations regarding the New York WARN Act. [As we reported previously](#), the revisions update the regulations to conform to certain statutory changes as well as provide clarification to other areas of the NY WARN law. The final regulations became effective June 21, 2023 and are identical to the proposed regulations issued by the Department of Labor on March 29, 2023.

Among other notable changes, the revised regulations include a provision adding remote workers, whether inside or outside of New York, to the 50-employee count for coverage as an employer, as long as they are “based” at the employment site in New York. In addition, the revisions provide a process for the Department of Labor to review and rule upon any employer requests to reduce the 90-day notice period based upon one or more exceptions in the NY WARN law. In the business transaction context, a purchasing business may now be held liable for failing to transfer employees, where such is a condition of the transaction.

Employers considering layoffs should be sure to consult legal counsel so they are aware of their obligations under both the New York and federal WARN laws.

If you have any questions about the information presented in this memo, please contact [Colin Leonard](#) or any attorney in Bond’s [labor and employment practice](#) or the Bond attorney with whom you are in regular contact.

