

From: Darren Indyke <[REDACTED]>

To: [REDACTED]

Subject: Fwd: Plant Closing Act

Date: Wed, 28 Sep 2011 17:39:02 +0000

Attachments: Plant_Closing_Act.pdf; Plant_Closing_Act_Section_473.pdf;
Plant_Closing_Act_Section_475.pdf

Please print. Thanks.

Darren K. Indyke
Darren K. Indyke, PLLC

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Begin forwarded message:

From: "Rebecca E. Weiss" <[REDACTED]>

Date: September 28, 2011 12:21:11 PM EDT

To: "[REDACTED]" <[REDACTED]>

Subject: Plant Closing Act

Darren,

As requested, attached is both the Revised Plant Closing Act (titled "Plant Closing Act") and sections 473 and 475 of the Original Act. The Revised Act replaces all sections of the Original Act with the exception of Sections 473, 475 and 477. Section 473 is supplemented with the Revised Section 473 so both the new and the old Sections apply.

Important Sections for you to review are:

Section 471, in particular definitions of employee, employer, facility, mass layoff and plant closing;

Section 472(a) regarding advance notification;

Section 473 regarding the severance requirements, in particular the one page attached as Plant Closing Act Section 473.

You should also be aware of Sections 475 and 476.

Also, I did some quick research and we may have an argument that the Plant Closing Act won't apply to construction sites. In interpreting the definition of employer, the courts will look to the federal law, known as the Worker Adjustment and Retraining Notification ("WARN") Act. I found some initial information that suggests that the WARN Act won't apply to construction sites but I need to do further research which I will do this afternoon.

Best Regards,

Rebecca E. Weiss, Esq.
Dudley, Topper and Feuerzeig, LLP

[Redacted]
[Redacted]

Package Delivery:
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