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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2009 Assembly Bill 266</b>	<b>Assembly Amendment 1</b>
<i>Memo published: October 26, 2009</i>	<i>Contact: Scott Grosz, Staff Attorney (266-1307)</i>

Under *current law*, an employer that employs 50 or more individuals in the state must provide certain notices to affected employees, the Department of Workforce Development, and the affected municipality no later than 60 days before a “business closing” or “mass layoff,” unless those events are the result of a strike or lockout. DWD must provide a copy of the notice to the Department of Commerce and the Office of the Commissioner of Insurance and cooperate with those agencies to provide assistance to the employer and affected employees, including information regarding health insurance options.

Current law defines “business closing” to mean “a permanent or temporary shutdown of an employment site or of one or more facilities or operating units at an employment site or within a single municipality that affects 25 or more employees, not including new or low-hour employees.” “Mass layoff” means a workforce reduction that is not the result of a business closing and that affects employees, not including new or low-hour employees, at an employment site or within a municipality, in either of the following numbers:

- At least 25% of the employer’s work force or 25 employees, whichever is greater.
- At least 500 employees.

**2009 Assembly Bill 266** makes several changes that relate to the notices issued prior to a business closing or mass layoff. Under Assembly Bill 266, the notice to affected employees must include contact information for the local workforce development board that serves the area in which the employment site is located. Additionally, the bill requires DWD to provide a copy of the notice to the appropriate local workforce development board. Also, no later than 30 days after receipt of the notice, the local workforce development board shall prepare and provide to the employer contact information for resources available in the area that provide career services for affected employees. No later than 14 days after an affected employee’s last day of work or the date of final payment of an affected

employee's wages, the employer shall provide the affected employees with the career services information from the local workforce development board. An employer that fails to provide the information shall forfeit not more than \$100 for each violation.

*Assembly Amendment 1* deletes the requirement that DWD shall provide the notice of a business closing or mass layoff to the local workforce development board serving the affected area, as well as the requirements that the local workforce development board *shall* provide a list of resources to the employer and that the employer shall, subject to forfeiture, pass that information on to affected employees.

Instead, the amendment instructs the local workforce development board that, if the board anticipates a business closing or mass layoff, it *may* develop a list of career services resources available for affected employees. Additionally, if that list is available, the amendment requires the initial notice from the employer to affected employees to include the list along with contact information for the local workforce development board as required by Assembly Bill 266.

### **Legislative History**

Assembly Amendment 1 was offered by Representative Dexter. On October 22, 2009, the Assembly Committee on Workforce Development recommended adoption of the amendment on a vote of Ayes, 7; Noes, 0. The committee recommended passage of Assembly Bill 266, as amended, by a vote of Ayes, 7; Noes, 0.

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