

H.R. 3796, the Early Warning and Health Care for Workers Affected by Globalization Act

Improve the Worker Adjustment and Retraining Notification Act

| | <u>Current Law</u> | <u>H.R. 3796</u> |
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| Which Employees are Counted | <u>Full-time</u> hourly and salaried workers. | <u>Full-time AND part-time</u> hourly and salaried workers. |
| Event that Triggers a WARN Notice | <p><u>Single-Site Plant Closing:</u> Notice is required if a single worksite shutdown will cause job loss <u>for 50 or more employees</u> during any 30-day period.</p> <p><u>Single-Site Mass Layoff:</u> Notice is required if there is a mass layoff at a single worksite affecting:</p> <ul style="list-style-type: none"> • 500 or more employees during any 30-day period for a worksite; or • For 50 or more employees, terminating at least one-third of the workforce at that site. | <u>Single-site Mass Layoff or Plant Closing:</u> Notice is required when a plant closes or there is a mass layoff at a single worksite that results in the job loss of <u>25 or more workers</u> in a 30-day period. |
| Amount of Notice | 60 days notice | 90 days notice |
| Department of Labor Role | No requirements. | <p>Dept. of Labor must provide model educational information to employers on employer responsibilities and employee rights under WARN, as well as the benefits and services available to dislocated workers.</p> <p>The Dept. of Labor is authorized to investigate complaints and bring enforcement suits and notify members of congress representing areas affected.</p> |
| Penalties | If an employer fails to give notice under WARN, employees can recover back pay and benefits for the period of violation <u>up to 60 days</u> . | If an employer fails to give notice under WARN, employees can recover double back pay and benefits for <u>up to the 90 day period</u> . |
| Employee Waivers | No requirements. | Prohibits employers from requiring employees to waive their WARN Act right as part of a severance agreement. |

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Extend the period for COBRA coverage for recipients of trade adjustment assistance

| | <u>Current Law</u> | <u>H.R. 3796</u> |
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| COBRA Eligibly | Workers who lose their jobs generally may continue their health benefits for up to 18 months at their own expense. | Workers who are 55 or older or individuals who have worked for an employer for 10 or more years have the option to elect COBRA coverage until they become Medicare eligible at 65 or until they obtain health coverage through a subsequent employer. |