



New York State Department of Labor
David A. Paterson, Governor
Colleen C. Gardner, Acting Commissioner

February 25, 2010

[REDACTED]

Re: [REDACTED]
DOL File No.: WARN-09-0060

Dear [REDACTED]:

I am writing in regard to the above referenced matter. As you are aware, by letter dated November 18, 2009, you advised the New York State Department of Labor (Department) that on February 15, 2010, four-thousand one-hundred and forty-two (4,142) [REDACTED] employees would be separated from employment as a result of plant closings. This letter/WARN Notice was filed with the Department on November 19, 2009. The letter/WARN Notice indicated that in an effort to infuse capital into the business and avoid a plant closing, [REDACTED] could not provide the affected employees with earlier WARN Notice.

In follow up to that Notice, the Department requested further information as it appeared that [REDACTED] had provided eighty-nine days notice, one day short of the statutorily required ninety days notice under the WARN Act. On or about February 13, 2010, the Department received an amended WARN Notice indicating that [REDACTED] had postponed the cessation of its operations from February 15, 2010, to later dates varying by location. The information provided indicated that [REDACTED] would not cease operations at any location earlier than on or about February 20, 2010. As a result the affected employees received at least ninety days notice as required under the WARN Act.

Based on these representations the Department finds that [REDACTED] did not violate the WARN Act by failing to provide ninety days notice to the affected employees. Please note that this determination is based upon the information that [REDACTED] has provided to the Department. Should additional information regarding this matter come to light, or should it be determined that the information provided to the Department was incomplete or inaccurate, the Department reserves the right to take additional or further action to enforce the requirements of the WARN Act as necessary, including the imposition of appropriate penalties.

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W. Averell Harriman State Office Campus, Bldg. 12, Room 509, Albany, NY 12240

Thank you for your response to this inquiry. Should you have any questions in this regard, feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kristen L. Balzer', with a long horizontal flourish extending to the right.

Kristen L. Balzer,
Senior Attorney

KLB:jc

cc: Maria Colavito, Counsel
Janet Faraone, Dislocated Worker Unit