

S 1374

Forewarn Act

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Labor and Employment

Introduced: Jun 25, 2009

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jun 25, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/1374>

Sponsor

Name: Sen. Brown, Sherrod [D-OH]

Party: Democratic • State: OH • Chamber: Senate

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Durbin, Richard J. [D-IL]	D · IL		Jun 25, 2009
Sen. Feingold, Russell D. [D-WI]	D · WI		Jun 25, 2009
Sen. Harkin, Tom [D-IA]	D · IA		Jun 25, 2009
Sen. Kerry, John F. [D-MA]	D · MA		Jun 25, 2009
Sen. Stabenow, Debbie [D-MI]	D · MI		Jul 13, 2009
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Dec 2, 2009

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jun 25, 2009

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
111 HR 3042	Related bill	Jun 25, 2009: Referred to the House Committee on Education and Labor.

Forewarn Act - Amends the Worker Adjustment and Retraining Notification Act (the Act) to: (1) redefine the terms "employer," "plant closing," and "mass layoff" for purposes of the Act; and (2) among other things, apply it to employers of 75 or more employees (currently, 100 employees), including any parent company of which the business enterprise is a subsidiary.

Requires an employer to: (1) give 90-day written notice (currently, 60-day) to employees and appropriate state and local governments before ordering a plant closing or mass layoff; (2) notify the Secretary of Labor and the governor of the state in which the closing or layoff will occur; and (3) provide affected employees with information regarding benefits and services available to them, including unemployment compensation, trade adjustment assistance, COBRA benefits, onsite access to rapid response teams, and certain other services.

Exempts from such notice requirements plant closings or mass layoffs which are due directly to a terrorist attack.

Requires the Secretary to notify the appropriate U.S. Senators and Members of the House of Representatives who represent the area where such closing or mass layoff is to occur.

Makes an employer who violates such notice requirements liable to the employee for, among other things, two days pay (currently, back pay for each day of violation) multiplied by the number of calendar days for which the employer was required but failed to provide notice, including interest on such pay.

Authorizes an affected employee to file a complaint with the Secretary alleging a violation of the notice requirements. Requires the Secretary to investigate and attempt to resolve such complaints. Authorizes the Secretary to bring an action in court to recover on behalf of an affected employee any backpay (including interest), benefits, and liquidated damages due.

Requires an employer to post conspicuously upon its premises pertinent provisions of this Act and information on the filing of a complaint. Requires the Secretary to maintain a guide on the benefits and services available to affected employees.

Prohibits the waiver of rights and remedies provided under this Act (including the right to maintain a civil action) by any agreement or settlement negotiated on behalf of affected employees.

Actions Timeline

- **Jun 25, 2009:** Introduced in Senate
- **Jun 25, 2009:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.