

Publications

Ohio Enacts Mini-WARN Law Requiring Notice of Plant Closings and Mass Layoffs

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On July 1, 2025, Ohio enacted a new mini-WARN law as part of House Bill 96 (the biennial budget bill). Codified at Ohio Revised Code §4113.31, the statute takes effect on September 29, 2025, and imposes new state-specific notice obligations on employers in connection with plant closings and mass layoffs. While the new Ohio law largely adopts the framework of the federal Worker Adjustment and Retraining Notification (WARN) Act, it adds state-specific content and procedural requirements that employers should understand and plan for.

Incorporation of Federal WARN

Ohio's mini-WARN law applies to employers with 100 or more employees who collectively work at least 4,000 hours per week. The law mandates 60 days' written notice before implementing a "plant closing" or "mass layoff." These terms, along with "employer," are defined by reference to the federal WARN Act and its regulations, and the Ohio mini-WARN requirements "do not establish a different standard than that established by federal statutes and regulations."

However, there is a key difference between Ohio's and WARN's definition of mass layoff. Under WARN, a mass layoff occurs when "at least 50 employees are laid off during a 30-day period, if the laid-off employees made up at least one third of the workforce." Ohio law does not include WARN's 33% rule or the possibility of aggregating multiple layoffs within a 90-day window to reach the threshold.

Compliance Requirements

Where Ohio's mini-WARN law diverges most from its federal counterpart is in what the notice must contain and to whom notice must be delivered. Ohio requires detailed, tailored notices for three distinct audiences:

Union Representatives

If affected employees are represented by a union, employers must provide notice to the union that includes:

- The location of the affected facility;
- A detailed explanation of the reason for the closing or layoff and whether it is permanent or temporary;
- The expected start date of the closing or layoff and the anticipated date on which the employees' employment will end; and
- The total number of affected employees, broken down by job title and department or division.

Non-Union Employees

For employees who are not represented by a union, each employee must receive written notice that includes:

- A detailed explanation of the reason for the closing or layoff and whether it is permanent or temporary;
- The expected dates the layoff or closure will begin and the anticipated date on which the employee's employment will end;
- Whether the employee has any bumping or reemployment rights under policy or a collective bargaining agreement;
- Information about unemployment benefits and other available assistance programs;
- Contact information for a company representative who can respond to questions; and
- A description of available support services, such as retraining, job placement, or counseling.

Government Officials

Employers must also send notice to the director of the Ohio Department of Job and Family Services (ODJFS), as well as to the chief elected officials of both the municipal corporation and the county where the closing or mass layoff will occur. This notice must include:

- All information provided to employees and their representatives;
- A description of any actions the employer is taking to mitigate the impact of the layoff or closing, including retraining or job placement efforts;
- Names and addresses of any unions representing affected employees; and
- A copy of the employee notice.

Timing and Notice Expectations

As under WARN, Ohio employers must provide at least 60 days' notice before a plant closing or mass layoff begins. The statute also adopts WARN's notice exceptions for unforeseeable business circumstances, natural disasters, faltering companies, and work stoppages resulting from strikes or lockouts.

Enforcement and Remedies

Ohio's mini-WARN law incorporates WARN Act's remedies, which include back pay and benefits for each day of violation. ODJFS is authorized to issue procedural guidance, which may help clarify some of the law's ambiguous requirements (e.g., whether a sample notice to employees is sufficient for government filings).

What Employers Should Do

Employers conducting operations in Ohio—or considering reductions in force or site closures that may impact Ohio employees—should begin preparing now to comply with the new law by its September 29 effective date. Vorys attorneys have been following Ohio's Mini-WARN Law and understand its potential impacts on businesses operating in Ohio.