

OHIO'S MINI-WARN LAW EXPANDS ADVANCE NOTICE RULES FOR MASS LAYOFFS AND CLOSURES: KEY POINTS + PRACTICAL TAKEAWAYS FOR EMPLOYERS

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Ohio's Mini-WARN Law Expands Advance Notice Rules for Mass Layoffs and Closures: Key Points + Practical Takeaways for Employers

As more layoffs are announced across the country, employers operating in Ohio must make sure they understand their obligations under the state's "mini-WARN" law that just rolled out last fall. The new law expands employer requirements related to advance notices of mass layoffs and plant closings, while federal rules still set the floor. We'll explain everything you need to know and offer four practical takeaways for your business.

Quick Background

Ohio's long-anticipated [mini-WARN Act](#) took effect Sept. 29, making Ohio the fifteenth state to supplement the federal Worker Adjustment and Retraining Notification Act (federal WARN Act) with state-level notice obligations. Although Ohio's law incorporates much of the federal WARN framework, it also adds notice requirements and procedural nuances that employers must understand to navigate compliance effectively.

For more on the federal WARN Act, check out this recent FP insight: [Warning! The Warn Act is More Complicated Than You Think: 4 Steps for Employers Facing Layoffs.](#)

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Key Points on Ohio WARN Requirements

Below we break down the new Ohio law and explain which provisions follow federal rules or add new requirements.

When It Applies and Who's Covered

Broadly speaking, Ohio's mini-WARN applies when a covered employer foresees a plant closing or mass layoff – just like under the federal WARN Act. Both laws require written notice at least 60 calendar days in advance of qualifying workforce reductions.

Under Ohio's law, a covered employer generally is one that:

- employs 100 or more employees (excluding certain part-time workers who are employed fewer than six months in the prior 12 months or who average fewer than 20 hours per week); or
- employs 100 or more full- and part-time employees who in aggregate work at least 4,000 hours per week (excluding overtime).

Once an employer meets this threshold, an employer must provide notice if **both** of the following apply:

- the employer employs 100 or more employees who in the aggregate work at least 4,000 hours a week; and
- the employer lays off 50 or more employees at a single site of employment during any 30-day period.

Notably, contrary to federal WARN, Ohio's statute does not explicitly require that the layoffs amount to 33% or more of workforce at the site to trigger notice requirements. The on of this percentage test could broaden the circumstances under which notice is required – though the statute also states it could establish a different standard from federal law, creating ambiguity about how the 33% rule applies.

Who Must Be Notified (Expanded Recipients in Ohio)

One of the biggest changes under Ohio WARN is who must receive advance notice. This includes:

- Affected employees or their union representatives.

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Service Focus

Reductions in Force (RIFs)

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Columbus

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- The Director of the Ohio Department of Job and Family Services.
- The chief elected official of the municipality where the layoff or closing occurs.
- The chief elected official of the county where the layoff or closing occurs.

Federal WARN requires notice to employees, union represe (if applicable), and the local government unit *to which the employer paid the highest taxes* in the prior year – but it do require separate notice to both municipal and county offic Ohio’s law does.

What Must Be Included (Expanded Content Requirements in Ohio)

Ohio’s law takes WARN notice content to another level, with tailored requirements depending on the recipient.

- **For union representatives**, notices must include:
 - The location of the facility affected by the plant closing or mass layoff.
 - A detailed statement explaining the reason for the plant closing or mass layoff and whether it will be permanent or temporary.
 - The expected date when the plant closing or mass layoff will commence and the anticipated date on which the employees’ employment will cease.
 - The total number of employees affected by the plant closing or mass layoff, including the employees’ job titles or positions and any department or division impacted.
- **For non-union/individual Employees**, notices must include:
 - A detailed statement explaining the reason for the plant closing or mass layoff and whether it will be permanent or temporary.
 - The expected date when the plant closing or mass layoff will commence and the anticipated date on which the

employees' employment will cease.

- An indication as to whether an affected employee has bumping rights or other reemployment rights under a collective bargaining agreement or a company policy, including any procedures for exercising those right.
- Information on how affected employees can access unemployment insurance benefits and other assistance programs.
- The name, title, and contact information of an employer representative who can answer questions about the plant closing or mass layoff.
- Information about any available services for an affected employee, including job placement assistance, retraining programs, or counseling services.
- **For state and local officials**, notices must include:
 - All information provided to union representatives and employees.
 - A description of mitigation efforts (e.g., alternative employment or training services).
 - The names and addresses of labor organizations involved.
 - A copy of the notice provided to affected employees.

Importantly, Ohio WARN does **not** include a "short-form" notice option for governmental recipients as the federal WARN Act meaning employers likely must provide the complete set of information for each layoff event.

Notice Timing and Exceptions

Like the federal law, Ohio WARN generally requires 60 days' advance written notice, and it also incorporates federal WARN's exceptions, including the following when certain conditions are met:

- Unforeseeable business circumstances
- Faltering business

- Natural disasters
- Strikes or lockouts

Notice can be shortened or delayed when these exceptions apply, but employers must still notify as soon as practicable and include an explanation for the shortened notice.

Penalties, Remedies, and Enforcement

Ohio's WARN law incorporates the federal WARN Act's remedies, including:

- Back pay and benefits for each day the employer fails to provide required notice (up to 60 days).
- Civil penalties and fines.
- Potential recovery of attorneys' fees and costs in litigation.

Unlike some other state mini-WARN statutes, Ohio's law does *not* create a separate state-level civil penalty or give the state authority to sue on its own behalf – enforcement still flows through employee or representative actions.

4 Practical Takeaways for Employers

For employers operating in Ohio, compliance planning must now account for both federal WARN and Ohio's enhanced requirements:

- **Train key HR and legal staff** on differences between federal and Ohio WARN obligations.
- **Update layoff and closure procedures** to address expanded notice recipients and detailed content.
- **Build compliance timelines into workforce reduction planning** to ensure at least 60 days' notice.
- **Consult counsel early** on complex scenarios such as remote workers, aggregation issues, or unclear threshold questions.

Given Ohio's broader recipient list and more detailed notice contents – coupled with significant penalties for non-compliance – employers should treat shifts in workforce size with heightened scrutiny and clear documentation to reduce legal and financial risk.

Conclusion

We will continue to monitor the latest developments related to this area and provide updates as warranted, so you should ensure you are subscribed to [Fisher Phillips' Insight System](#) to gather the most up-to-date information directly to your inbox. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, any attorney in our [Ohio offices](#), or any member of our [Reductions in Force \(RIFs\) Practice Group](#).