

has worked for the employer ordering the plant closing or mass layoff and who, as a result of the failure by the employer to comply with section 2102 of this title, did not receive timely notice either directly or through his or her representative as required by section 2102 of this title.

(b) Exclusivity of remedies

The remedies provided for in this section shall be the exclusive remedies for any violation of this chapter. Under this chapter, a Federal court shall not have authority to enjoin a plant closing or mass layoff.

(Pub. L. 100-379, § 5, Aug. 4, 1988, 102 Stat. 893.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub. L. 100-379, set out as a note under section 2101 of this title.

§ 2105. Procedures in addition to other rights of employees

The rights and remedies provided to employees by this chapter are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the employees, and are not intended to alter or affect such rights and remedies, except that the period of notification required by this chapter shall run concurrently with any period of notification required by contract or by any other statute.

(Pub. L. 100-379, § 6, Aug. 4, 1988, 102 Stat. 894.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub. L. 100-379, set out as a note under section 2101 of this title.

§ 2106. Procedures encouraged where not required

It is the sense of Congress that an employer who is not required to comply with the notice requirements of section 2102 of this title should, to the extent possible, provide notice to its employees about a proposal to close a plant or permanently reduce its workforce.

(Pub. L. 100-379, § 7, Aug. 4, 1988, 102 Stat. 894.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub. L. 100-379, set out as a note under section 2101 of this title.

§ 2107. Authority to prescribe regulations

(a) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this chapter. Such regulations shall, at a minimum, include interpretative regulations describing the methods by which employers may provide for appropriate service of notice as required by this chapter.

(b) The mailing of notice to an employee's last known address or inclusion of notice in the employee's paycheck will be considered acceptable

methods for fulfillment of the employer's obligation to give notice to each affected employee under this chapter.

(Pub. L. 100-379, § 8, Aug. 4, 1988, 102 Stat. 894.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 6 months after Aug. 4, 1988, except that the authority of the Secretary of Labor under this section is effective on Aug. 4, 1988, see section 11 of Pub. L. 100-379, set out as a note under section 2101 of this title.

§ 2108. Effect on other laws

The giving of notice pursuant to this chapter, if done in good faith compliance with this chapter, shall not constitute a violation of the National Labor Relations Act [29 U.S.C. 151 et seq.] or the Railway Labor Act [45 U.S.C. 151 et seq.].

(Pub. L. 100-379, § 9, Aug. 4, 1988, 102 Stat. 894.)

Editorial Notes

REFERENCES IN TEXT

The National Labor Relations Act, referred to in text, is act July 5, 1935, ch. 372, 49 Stat. 452, as amended, which is classified generally to subchapter II (§ 151 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 167 of this title and Tables.

The Railway Labor Act, referred to in text, is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, which is classified principally to chapter 8 (§ 151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub. L. 100-379, set out as a note under section 2101 of this title.

§ 2109. Report on employment and international competitiveness

Two years after August 4, 1988, the Comptroller General shall submit to the Committee on Small Business of both the House and Senate, the Committee on Labor and Human Resources, and the Committee on Education and Labor a report containing a detailed and objective analysis of the effect of this chapter on employers (especially small- and medium-sized businesses), the economy (international competitiveness), and employees (in terms of levels and conditions of employment). The Comptroller General shall assess both costs and benefits, including the effect on productivity, competitiveness, unemployment rates and compensation, and worker retraining and readjustment.

(Pub. L. 100-379, § 10, Aug. 4, 1988, 102 Stat. 894.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Small Business of Senate changed to Committee on Small Business and Entrepreneurship of Senate. See Senate Resolution No. 123, One Hundred Seventh Congress, June 29, 2001.

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor,