**Section 230.110 Definitions**

"Act" means the Illinois Worker Adjustment and Retraining Notification Act (IWARN) [820 ILCS 65].

"Administrative hearing" means a formal administrative hearing.

"Affected employee" *means employees who may reasonably be expected to experience an employment loss as a consequence of a proposed plant closing or mass layoff by their employer* [820 ILCS 65/5(a)]*.*

"Complaint" means an allegation of a violation of the Act filed with the Department.

"Complainant" means a person who files a complaint.

"Department" means the Illinois Department of Labor or a duly authorized representative.

"Day" means calendar day.

"Director" means the Director of Labor or a duly authorized representative.

"Employer" *means any business enterprise that employs:*

*75 or more employees, excluding part-time employees; or*

*75 or more employees who in the aggregate work at least 4,000 hours per week (exclusive of hours of overtime).* [820 ILCS 65/5(c)]

Employer does not include the federal or State government or any of their political subdivisions, including any unit of local government or any school district. Charitable organizations and institutions as defined by the Charitable Trust Act [760 ILCS 55] and the Solicitation for Charity Act [225 ILCS 460] are not included. Tax-exempt institutions and organizations are also not included. Further, independent contractors and wholly or partially owned subsidiaries that are independent from the parent corporation are considered separate employers for the purposes of this Act and Part. When determining whether an employer is an independent contractor or a wholly or partially owned subsidiary, the Director will consider: common ownership; common directors and/or officers; actual exercise of control; unity of personnel policies emanating from a common source; and the dependency of operations.

"Employment loss" *means*:

*an employment termination, other than a discharge for cause, voluntary departure, or retirement;*

*a layoff exceeding 6 months; or*

*a reduction in hours of work of more than 50% during each month of any 6-month period.*

*Employment loss does not include instances when the plant closing or layoff is the result of the relocation or consolidation of part or all of the employer's business and, before the closing or layoff, the employer offers to transfer the employee to a different site of employment within a reasonable commuting distance, or the employer offers to transfer the employee to any other site of employment, regardless of distance, with no more than a 6-month break in employment, and the employee accepts within 30 days* after *the offer or* after *the closing or layoff , whichever is later.* [820 ILCS 65/5(b)]

"Mass layoff" *means a reduction in force* that*:*

*is not the result of a plant closing; and*

*results in an employment loss at the single site of employment during any 30-day period for:*

*at least 33% of the employees (excluding any part-time employees) and at least 25 employees (excluding any part-time employees); or*

*at least 250 employees (excluding any part-time employees).* [820 ILCS 65/5(d)]

"Part-time employee", for purposes of the Act and this Part, *means an employee who is employed for an average of fewer than 20 hours per week or who has been*

*employed for fewer than 6 of the 12 months preceding the date on which notice is required*.[820 ILCS 65/5(e)]

"Plant closing" *means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding any part-time employees*. [820 ILCS 65/5(f)]

"Respondent" means an employer against whom a complaint is filed.

"Representative" *means an exclusive representative of employees within the meaning of Section 9(a) or 8(f) of the National Labor Relations Act (29 USC 159(a), 158(f)) or Section 2 of the Railway Labor Act (45 USC 152)*. [820 ILCS 65/5(g)]

"WARN" means the federal Worker Adjustment and Retraining Notification Act (29 USC 2101), or as hereafter amended.