**Section 230.240 Exceptions to the Notice Requirement**

a) An employer is not required to give notice if the Department determines that any of the following has been met:

1) the employer establishes an exception as set forth in Section 15 or Section 20 of the Act;

2) the employer establishes that the mass layoff or plant closing was due to a physical calamity or an act of terrorism or war; or

3) the employer establishes that the plant closing or mass layoff is the result of relocation or consolidation of all or part of an employer's business and, before the closing or layoff, the employer offers either:

A) to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a 6-month break in employment; or

B) 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.

b) A reasonable commuting distance under this Section means a distance of less than 50 miles, unless an affected employee has already been commuting 50 miles or greater on a voluntary basis prior to the relocation or consolidation or indicates in writing that he or she is willing to commute 50 miles or more under a relocation or consolidation. The Department may determine that a commuting distance of less than 50 miles is not reasonable based upon industry practice or local conditions, such as climate, geographic accessibility, quality of roads, availability of transportation, including public transportation, and travel time.