§ 860-b. Notice. 1. An employer may not order a mass layoff, relocation, or employment loss, unless, at least ninety days before the order takes effect, the employer gives written notice of the order to the following:

(a) affected employees and the representatives of affected employees;

(b) the department;

(c) the local workforce investment boards established pursuant to the federal Workforce Investment Act (P.L. 105-220) for the locality of the site of employment at which the mass layoff, relocation, or employment loss will occur;

(d) the chief elected official of the unit or units of local government and the school district or districts for the locality of the site of employment at which the mass layoff, relocation or employment loss will occur; and

(e) each locality which provides police, firefighting, emergency medical or ambulance services or other emergency services to the site of employment within which such mass layoff, relocation, or employment loss will occur, as applicable.

2. An employer required to give notice of any mass layoff, relocation, or employment loss under this article shall include in its notice the elements required by the federal Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

3. Notwithstanding the requirements of subdivision one of this section, an employer is not required to provide notice if a mass layoff, relocation, or employment loss is necessitated by a physical calamity or an act of terrorism or war.

4. The mailing of notice to an employee's last known address by either first class or certified mail or the inclusion of notice in an employee's paycheck shall be considered acceptable methods for fulfillment of the employer's obligation to give notice to each affected employee under this article.

5. In the case of a sale of part or all of an employer's business, the seller shall be responsible for providing notice for any plant closing

or mass layoff in accordance with this section, up to and including the effective date of the sale. After the effective date of the sale of part or all of an employer's business, the purchaser shall be responsible for providing notice for any plant closing or mass layoff in accordance with this section. Notwithstanding any other provision of this article, any person who is an employee of the seller as of the effective date of the sale shall be considered an employee of the purchaser immediately after the effective date of the sale.

6. Nothing set forth herein shall be read to abridge, abrogate, or restrict the right of any state or local entity to require an employer that is receiving state or local economic development incentives for doing or continuing to do business in this state from being required to provide additional or earlier notice as a condition for the receipt of such incentives.

7. Nothing set forth herein shall be read to prevent an employer who is not required to comply with the notice requirements of this section, to the extent possible, to provide notice to its employees about a proposal to close a plant or permanently reduce its workforce.

8. Calendar days. All references in this article to "days" shall be deemed to mean calendar days.