§ 860-c. Exceptions. 1. In the case of a plant closing, an employer is not required to comply with the notice requirement in subdivision one of section eight hundred sixty-b of this article if:

(a)(i) at the time the notice would have been required, the employer was actively seeking capital or business; and

(ii) the capital or business sought, if obtained, would have enabled the employer to avoid or postpone the relocation or termination; and

(iii) the employer reasonably and in good faith believed that giving the notice required by subdivision one of section eight hundred sixty-b of this article would have precluded the employer from obtaining the needed capital or business;

(b) the need for a notice was not reasonably foreseeable at the time the notice would have been required;

(c) the plant closing is of a temporary facility or the plant closing or mass layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired with the understanding that their employment was limited to the duration of the facility or project or undertaking;

(d) the plant closing or mass layoff is due to any form of natural disaster, such as a flood, earthquake, or drought; or

(e) the closing or mass layoff constitutes a strike or constitutes a lockout not intended to evade the requirements of this article. Nothing in this article shall require an employer to serve written notice when permanently replacing a person who is deemed to be an economic striker under the National Labor Relations Act (29 U.S.C. 151 et seq.). Nothing in this article shall be deemed to validate or invalidate any judicial or administrative ruling relating to the hiring of permanent replacements for economic strikers under the National Labor Relations Act.

2. An employer unable to provide the notice otherwise required by this article in a timely fashion as a result of circumstances described in subdivision one of this section, shall provide as much notice as is practicable and at that time shall provide a brief statement of the basis for reducing the notification period.