



April 9, 2020

Via E-mail and Certified Mail

Missouri Department of Higher Education & Workforce
Development
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RE: Notice of Layoff Pursuant to the Federal and California Worker Adjustment and Retraining Notification Acts

To Whom It May Concern,

In compliance with the Federal Worker Adjustment and Retraining Notification (“WARN”) Act (29 U.S.C. § 2101 *et seq.*) and the California WARN Act (Cal. Labor Code § 1400 *et seq.*), Black Bear Diner (the “Company”) is writing to provide you with notice of a “mass layoff” as that term is defined by statute at our operation Black Bear Diner- St. Charles located at 2865 Veterans Memorial Pkwy- St Charles, MO 63303. Pursuant to California Executive Order N-31-20 and 29 U.S.C. § 2101(b)(2)(A), any reduction in the notification period (to the extent a notice is required) is a result of the unforeseeable business circumstances and economic downturn caused by the COVID-19 pandemic. Notice is concurrently being provided to affected employees in compliance with California Executive Order N-31-20.

Further, although we are providing notice, we believe no notice is required because (i) the pandemic constitutes a physical calamity under Labor Code § 1401(c), (ii) the layoff is temporary and is not expected to exceed 6 months, and therefore is not considered an “employment loss” under 29 U.S. Code § 2101(a)(6), and/or (iii) the layoff is being ordered by government officials and not the employer, and therefore no notice is required under 29 U.S.C. § 2102(a) or Labor Code § 1401(a).



The positions of 2,137 employees will be subject to layoff. We anticipate this layoff to be temporary until May 7, 2020. This date may be extended based on business needs or order by state or local government officials. There will be no bumping rights or bumping procedures since the employees of the Company are not covered by a collective bargaining unit.

The following is a list of the positions at the which will be subject to furlough / temporary layoff, as well as the number of employees who currently hold these positions:

Job Titles of Affected Positions	Number of Employees Holding Each Position
Dish Machine Operators	4
Expo	0
Food Prep	2
Host/Cash/Busser	5
Janitorial	0
Kitchen	7
Kitchen Lead	0
Server	20
Server Lead	0
Training	0
Training- No Sales	0
Assistant Managers	0
Corporate Employees in various departments	0