



April 9, 2020

***Via E-mail and Certified Mail***

Missouri Department of Higher Education & Workforce  
Development  
P.O. Box 1087  
Jefferson City, MO 65102

Mayor Eileen Weir  
City Hall, Office of the Mayor  
111 E. Maple  
Independence, MO 64050  
EWeir@indepmo.org

County Executive Frank White Jr.  
415 E 12th Street  
Kansas City, MO 64106

**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- Independence located at 4053 S Little Blue Parkway- Independence, MO 64057. 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 Year Of The Bear

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:

<b>Job Titles of Affected Positions</b>	<b>Number of Employees Holding Each Position</b>
Dish Machine Operators	7
Expo	0
Food Prep	5
Host/Cash/Busser	15
Janitorial	0
Kitchen	9
Kitchen Lead	0
Server	28
Server Lead	0
Training	0
Training- No Sales	0
Assistant Managers	1
Corporate Employees in various departments	0