



January 29, 2021

**VIA EMAIL [dol.rapidresponse@ct.gov]**

Susan Fracasso  
Rapid Response Coordinator  
Connecticut Department of Labor  
Rapid Response Unit

Re: Notice of Planned Action – **Fourth Notice of Extension**  
Phelps Dodge Industries, Inc., d/b/a Freeport McMoRan Copper Products

Dear Ms. Fracasso:

This **Fifth Notice of Extension** is being given to you as may be required by the federal Worker Adjustment and Retraining Notification Act of 1988 (the “Act”). As you are aware, the Act requires employers to give advance written notice to certain governmental units and officials of a planned mass layoff or plant closing, as the case may be and as those terms are defined in the Act.

In our June 17, 2020 letter to you, Phelps Dodge Industries, Inc. d/b/a Freeport McMoRan Copper Products (the “Company”) advised that due to the dramatic downturn in business and economic uncertainty brought on by the COVID-19 pandemic, we made the decision to close the Norwich Plant, resulting in substantial permanent layoffs occurring at that location. While no exact date had been established for the lay-offs, based on the best available information at that time, we anticipated that approximately 90 employees involved in the Norwich Plant operations may be affected by the first layoffs which were expected to occur in the 14-day period beginning on August 17, 2020 and ending on August 30, 2020. We further advised that the remaining employees would be involved in a second lay-off following the initial 14-day period and that we would provide you with an updated notice when we had a better understanding of the estimated date for this second anticipated lay-off. A significant number of lay-offs (approximately 74 employees) occurred during this initial 14-day window.

In our August 5, 2020 letter, we provided you with the updated notice (called Notice of Extension). We advised that we had determined that, based on the best information then available, the remaining employees would experience a lay-off as follows: (1) during the 14-day window beginning September 8, 2020 and ending September 21, 2020 (then approximately three (3) employees); and (2) during the 14-day window beginning October 10, 2020 and ending October 23, 2020 (then approximately 22 employees). The reason for those extensions and that notice was that certain employees were needed to assist with month-end closing, technical support, and shipping of records and assets, as well as to perform duties related to the final separation of employees and plant closure, including but not limited to running Oxygen Free casters to fulfill customer orders under pending contract and shipping remaining equipment and inventory to El Paso.

In our August 28, 2020 letter (Second Notice of Extension), we advised of our determination that, based on the best information then available, the employment impact for 13 of the remaining employees that previously was anticipated to occur during one of the above-identified 14-day windows had been postponed as follows:

- (1) One (1) lay-off that was anticipated to occur during the initial 14-day window between August 17, 2020 and August 30, 2020 was postponed to the 14-day window beginning

- October 10, 2020 and ending October 23, 2020 because this employee would not be released to return to work during the window announced in the initial notice;
- (2) Four (4) lay-offs that were anticipated to occur during the initial 14-day window between August 17, 2020 and August 30, 2020 were postponed to the 14-day window beginning September 8, 2020 and ending September 21, 2020 because these employee were needed to assist the Environmental Services Department with material removal related to the Bayway Plant closure;
  - (3) One (1) lay-off that was anticipated to occur during the previously anticipated 14-day window between September 8, 2020 and September 21, 2020 was postponed to the 14-day window beginning October 10, 2020 and ending October 23, 2020 because this employee was needed to assist with electronics removal at the Norwich Plant after production ceases;
  - (4) One (1) lay-off that was anticipated to occur during the previously anticipated 14-day window between September 8, 2020 and September 21, 2020, was postponed to the 14-day window beginning October 10, 2020 and ending October 23, 2020 because this employee was needed to assist with proper retention and disposal of human resources, executive, and accounting records related to the the Norwich Plant closure;
  - (5) Two (2) lay-offs that were anticipated to occur during the previously anticipated 14-day window between October 10, 2020 and October 23, 2020, were postponed to the 14-day window beginning November 16, 2020 and ending November 29, 2020 because these employees were needed to prepare the accounting records associated with the Norwich Plant and Bayway Plant closures; and
  - (6) Four (4) lay-offs that were anticipated to occur during the previously anticipated 14-day window between October 10, 2020 and October 23, 2020 were postponed to the 14-day window beginning December 4, 2020 and ending December 17, 2020 because these employee were needed to assist with the shipping of the remaining copper rod and associated duties related to the Norwich Plant closure.<sup>1</sup>

On September 21, 2020, due to unforeseeable, sudden, dramatic business circumstances impacting the Company, we issued a **Revised Second Notice of Extension**. Based on the best information then available to us, certain employment losses (approximately six) previously anticipated to occur during the 14-day period beginning October 10, 2020 and ending October 23, 2020 were revised to occur during the 14-day period beginning September 25, 2020 and ending October 8, 2020. That **Revised Second Notice of Extension** was given with less advance notice than we would have preferred to provide because, despite our previous sales forecast which indicated that rod production was needed through the end of September 2020, we had just learned that the sales forecast had decreased dramatically for the remainder of 2020 due to a lack of customer orders and, thus, determined that the Company would cease its Oxygen Free Rod production two (2) weeks earlier than previously anticipated.

On November 4, 2020, we issued a **Third Notice of Extension** because, based on the best information then available to us, one (1) of the employment losses previously anticipated to occur during the 14-day window beginning November 16, 2020 and ending November 29, 2020, needed to be postponed to the 14-day period beginning December 18, 2020, and ending December 31, 2020. The reason for that postponement and the **Third Notice of Extension** was that this one

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<sup>1</sup> The company does not believe that the action identified in no. 6 triggers a legal obligation under WARN, but in light of the fluid situation and in the spirit of transparency, the company included this action here as a voluntary notice of extension.



employee was needed to assist with accounting duties related to the closing at the Norwich Plant and the Bayway Plant, as well as the fourth quarter closing and year end financials.

On November 24, 2020, we issued a **Fourth Notice of Extension** because, based on the best information then available to us, one (1) of the employment losses previously anticipated to occur during the 14-day window beginning November 16, 2020 and ending November 29, 2020, is being postponed to the 14-day window beginning January 18, 2021 and ending January 31, 2021. The reason for the postponement and the **Fourth Notice of Extension** is that one employee was needed to assist with accounting duties related to the closing at the Norwich Plant and the Bayway Plant, as well as the fourth quarter closing and year end financials.

We now issue a **Fifth Notice of Extension** because, based on the best information currently available to us, one (1) of the employment losses previously anticipated to occur during the 14-day window beginning January 18, 2021 and ending January 31, 2021 is being postponed to the 14-day window beginning May 18, 2021 and ending May 31, 2021. The reason for this postponement and this **Fifth Notice of Extension** is that one employee is needed to assist with accounting duties.

The name and address where the plant closing will occur is Phelps Dodge Industries, Inc.(Norwich Plant), 41 Wawecus St., Norwich, CT 06360.

Should you have any questions about this planned action, please call me at (719) 725-3060.

Sincerely,

A handwritten signature in cursive script that reads 'Tamara Moses'.

Tamara Moses  
Human Resources Manager