**Section 230.340 Application and Jurisdiction**

a) The Director will determine if the requisite number of employees is affected to trigger notice by:

1) either looking ahead 30 days or behind 30 days to determine whether employment actions in the aggregate for any 30-day period reach the minimum numbers for a plant closing or a mass layoff and thus trigger the notice requirement; and

2) looking ahead 90 days or behind 90 days to determine whether employment actions, each of which separately is not of sufficient size to trigger coverage, will, in the aggregate for any 90-day period, reach the minimum numbers for a plant closing or mass layoff and thus trigger the notice requirement. An employer is not, however, required to give notice if the employer demonstrates that the separate employment losses are the result of separate and distinct actions and causes and are not an attempt to evade the requirements of the Act.

b) At the time of filing of the complaint, the Department may determine initially whether the allegations in the complaint sufficiently state a claim under the Act so that the Department can proceed with the investigation.

c) If, at the time of filing, or at any subsequent time, it is determined that there is a lack of jurisdiction or failure to sufficiently state a claim, the complaint shall be dismissed. All parties shall be notified of the dismissal by U.S. mail.