



September 18, 2020

Via E-mail and Certified Mail

Hon. Joseph H. Hogsett
Office of the Mayor
City of Indianapolis
2501 City-County Building
200 E. Washington St.
Indianapolis, IN 46204

Ashley Gatlin
Program Director, Rapid Response
Department of Workforce Development
10 N. Senate Ave.
SE311
Indianapolis, IN 46204
agatlin@dwd.in.gov

RE: Notice Pursuant to the Federal Worker Adjustment and Retraining Notification Act

To Whom It May Concern,

In compliance with the Federal Worker Adjustment and Retraining Notification (“WARN”) Act (29 U.S.C. § 2101 *et seq.*), P.F. Chang’s China Bistro (the “Company”) is writing to comply with any actual or potential obligation it may have to provide you with notice of a mass layoff, as that term is defined by statute, at our operation located at 49 West Maryland Street, Suite 226, Indianapolis, Indiana 46204.

In March 2020, the COVID-19 virus reached pandemic proportions causing various governmental agencies to issue various orders that resulted in our company having to temporarily suspend and/or reduce operations at restaurants across the county including, but not limited to the one identified above. At the time these orders were initially issued in Spring 2020, our Company had no idea of how long the orders would last and, more importantly, the continued impact that the COVID-19 virus would have on our operations. These unforeseen circumstances may have resulted in limiting our ability to schedule shifts and operate as we previously did. Many of our employees, at the restaurant identified above, have suffered a reduction of hours of greater than 50% because of the reduced operations at the restaurant.

As governmental orders limiting restaurant operations remain in place for the foreseeable future, it is now clear to the Company that temporary reduced operations and reduction of hours at the restaurant identified above may last beyond six (6) months from its start back in the Spring.

The reduction of work hours at this location are the unfortunate result of sudden, unexpected COVID-19-related circumstances that were conditions outside of the Company's control and for which the continued duration is still unknown. The reduction of hours lasting beyond six months was not reasonably foreseeable until now. As a result of these unfortunate and unforeseeable circumstances, we are notifying you as soon as practicable, taking into account the great difficulties affecting our industry faces in projecting future staffing needs under the circumstances. Pursuant to 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.

It is unknown how long the reduction of hours will last as our Company has no control over governmental regulations relating to COVID-19. There will be no bumping rights or bumping procedures since the employees of the Company are not covered by a collective bargaining unit or represented by a union. The reduction of hours, and whom is affected remains unclear, but we anticipate that this will affect up to 75 employees who have been employed for more than six months and previously worked an average of more than 20 hours per week.

All of the information required by 20 CFR § 639.7(e) is available for your review by contacting me at (303) 482-5743.

Sincerely,

Kim Murdock

Kim Murdock
Human Resources Business Partner