



**June 30, 2020**

**VIA E-MAIL [steven.gustafson@deo.myflorida.com]**  
**AND OVERNIGHT DELIVERY**

Mr. Steven K. Gustafson  
State Trade and Rapid Response Coordinator  
Department of Economic Opportunity  
107 E Madison St  
Caldwell Building, MSC G-229  
Tallahassee, FL 32399

Agency of Workforce Innovation  
Caldwell Building  
107 E Madison St  
Tallahassee, FL 32399

**Via Overnight Delivery**

Hon. Verdenia C. Baker  
Administrator  
Palm Beach County  
301 N. Olive Avenue  
West Palm Beach, FL 33401

**Via Overnight Delivery**

Hon. Jennifer Alvarez  
Interim City Manager  
City of Delray Beach  
City Hall  
100 NW 1st Ave  
Delray Beach, FL 33444

**Re:   WARN Notice**  
**Samar 202 Florida LLC**  
**dba Aloft Delray Beach**  
**202 SE 5th Avenue, Delray Beach, Florida 33483**

Your Honors:

In accordance with the federal Worker Adjustment and Retraining Notification Act (“WARN Act”) we are advising you, that due to unexpected events, Aloft Delray Beach (“Hotel”) located at 202 SE 5th Avenue, Delray Beach, Florida 33483 partially ceased its operations and on or about **March 7, 2020**.<sup>[1]</sup>

Accordingly, the employment of certain staff working for the Hotel ceased on or about **March 7, 2020**. **Additional layoffs at the Hotel occurred on March 14, March 21, June 6, June 20, 2020**. This action is expected to be of an indefinite duration (and may exceed six (6) months and thus, may potentially be permanent).

We are providing you with less than sixty (60) days’ notice, pursuant to 29 U.S.C. §§ 2102(b)(2)(A) and 2102(b)(2)(B) because of the sudden, unexpected and dramatic adverse impact upon the Hotel’s business caused by the worldwide outbreak (pandemic) of COVID-19, the official name of coronavirus as stated by the World Health Organization (*i.e.*, the Hotel’s partial closure is due to “unforeseen business circumstances” and/or a “natural disaster” as defined by the WARN Act, which two exceptions are applicable to the above mentioned cessation of employment). Several unanticipated recent events, outside the Hotel’s control, have resulted in the significant decrease in the Hotel’s business and unforeseen closure including the immediate and detrimental actions of the government’s decision to mandate the closure of all “non-essential” businesses and urge residents to stay home and practice “social distancing.” In light of these unanticipated circumstances, we are providing notice as soon as practicable.

The foregoing partial closure will only affect non-union employees as there is no employee representative (a/k/a union representative) at the Hotel. Moreover, bumping rights do not exist for the above-mentioned employees who will cease working.

By virtue of the foregoing, all of the employees, identified by job titles of positions affected and the number of affected employees in each job title are set forth in “Schedule 1” (annexed to this correspondence and made a part hereof).

Finally, be advised we will provide all affected employees with WARN Act notice via hand delivery if possible (if not, via first class mail or some other permissible method) commencing today. A copy of a sample notice to the affected employees is enclosed.

The undersigned has been designated as the Hotel’s liaison with the Department for purposes of providing rapid response services to affected employees. For further information, please contact me at 516-280-3431.

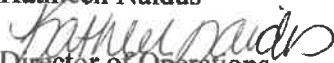
Very truly yours  
Samar 202 Florida LLC, dba Aloft Delray

Beach

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<sup>[1]</sup> This letter is not an admission by the Hotel that its partial closure and cessation of operations (*i.e.*, the layoff of indefinite duration of a number of its employees) is a covered event under the WARN Act or that it requires issuance of a WARN notice. *See, e.g.*, 20 C.F.R. Section 639.1.

Kathleen Naidus

  
Director of Operations

Attachment and Enclosure

## **SCHEDULE 1**

### **Job Titles and Number of Affected Employees**

Housekeeper	6
Banquet Server	6
Security guard	1