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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

September 2, 2011

Brian Harrison
President and CEO
Solyndra
47488 Kato Road
Fremont, CA 94538

Dear Mr. Harrison,

I write to you with great concern for the well-being of the more than 1,000 Solyndra workers in Fremont, California who lost their jobs on Wednesday, August 31st. It is unconscionable that they were let go with absolutely no advance notice, immediately losing both their income and health coverage.

Congress created the Worker Adjustment and Retraining Notification (WARN) Act to protect workers from just this type of event. The WARN Act requires that companies with more than 100 full-time employees provide workers with at least 60 days advance notice before plant closings and mass layoffs. This law gives workers at least a limited window to seek other employment or retraining opportunities before losing their income and benefits.

Whether the WARN Act applies to Solyndra is a matter for the courts to determine. It may be that you plan to seek the protection of an exception in the law. In that case, the burden of proof is with your company to prove its inability to meet the conditions of the law. However, the law also requires that you provide "as much notice as is practicable." I don't think it takes a well-skilled attorney to surmise that Solyndra executives knew before Wednesday morning that the plant would be shut down.

While it is too late to provide your former employees with the advance notice they deserved, there is still time for your company to stand up and provide them with 60 days of pay and benefits. These hardworking people were put out on the street without warning and you owe it to each of them to provide this minimal compensation at a very difficult time.

I look forward to your prompt action on this matter.

Sincerely,



Pete Stark
Member of Congress