



RAPID RESPONSE

A Brief Overview

This Guide

This booklet provides information about the Workforce Innovation and Opportunity Act (WIOA) Rapid Response and Layoff Aversion activities and processes in the State of West Virginia. This is not a comprehensive guide and, should you have any questions, the State Dislocated Worker Services Unit would be more than happy to assist you. Contact us at 1-304-558-8414 for more information.

Purpose of Rapid Response

The purpose of Rapid Response is to promote economic recovery and vitality by developing ongoing, comprehensive approaches to identifying, planning for, or responding to layoffs and dislocations, and preventing or minimizing their impacts on workers, businesses, and communities.¹ In other words, Rapid Response seeks to either avoid or lessen the damage caused by economic downturns in the state. To be considered a successful Rapid Response system, it must include the following:

- Informational and direct reemployment services for workers, including but not limited to information and support for filing unemployment insurance claims; information about the Trade Adjustment Assistance (TAA) program; information on the impacts of layoff on health coverage or other benefits; information on and referral to career services; reemployment-focused workshops and services; and training.
- Delivery of solutions to address the needs of businesses in transition, provided across the business lifecycle (expansion and contraction), including comprehensive business engagement and layoff aversion strategies and activities designed to prevent or minimize the duration of unemployment.
- Convening, brokering, and facilitating the connections, networks, and partners to ensure the ability to aid dislocated workers and their families such as home heating assistance, legal aid, and financial advice; and
- Strategic planning, data-gathering and analysis designed to anticipate, prepare for, and manage economic change.

¹ U.S. DOL TEGL 19-16

When Must Rapid Response Services be Delivered?

Rapid Response must be provided when one or more of the following circumstances occur:

- Announcement or notification of a permanent closure of a facility, store, enterprise, or plant, regardless of the number of workers affected.
- Announcement or notification of a mass layoff.
 - In West Virginia, all layoffs of 50 or more employees at a location are considered a mass layoff for purposes of Rapid Response activities.
- A mass job dislocation resulting from a disaster as defined by state or local emergency management policies.
- The filing of a TAA petition which requires that the Governor ensure that Rapid Response services are delivered to all workers who are covered by the petition for TAA.

Required Rapid Response Activities

By law, the Rapid Response system must provide the following activities:

- Layoff aversion activities
- Immediate and on-site contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
 - Layoff plans and schedule of the employer.
 - Background and the probable assistance needs of the affected workers.
 - Reemployment prospects for workers.
 - Available resources to meet the short and long-term assistance needs of the affected workers.
- The provision of information and access to unemployment compensation benefits and programs, such as Short-Time Compensation, comprehensive one-stop delivery system services, and employment and training activities, including information on financial assistance programs.
- The delivery of other necessary services and resources including workshops and classes, use of worker transition centers, and job fairs, to support reemployment efforts for affected workers.

- Partnership with the Local Workforce Development Board(s) and chief elected official(s) to ensure a coordinated response to the dislocation event and, as needed, obtain access to State or local economic development assistance.
- The provision of emergency assistance adapted to the layoff or disaster.
- As appropriate, developing systems and processes for:
 - Identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion
 - Analyzing, and acting upon, data and information on dislocations and other economic activity in the State, region, or local area
 - Tracking outcome and performance data and information related to the activities of the rapid response program.
- Developing and maintaining partnerships with other appropriate Federal, State, and local agencies and officials, employer associations, technical councils, other industry business councils, labor organizations, and other public and private organizations, as applicable, to:
 - Conduct strategic planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance.
 - Develop mechanisms for gathering and exchanging information and data relating to potential dislocations, resources available, and the customization of layoff aversion or rapid response activities, to ensure the ability to provide rapid response services as early as possible.
- Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed.
- The provision of additional assistance to local areas that experience disasters, mass layoffs, or other dislocation events when such events exceed the capacity of the local area to respond with existing resources.
- Provision of guidance and financial assistance as appropriate, in establishing a labor-management committee if voluntarily agreed to by the employee's bargaining representative and management. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. The assistance to this committee may include:
 - The provision of training and technical assistance to members of the committee
 - Funding the operating costs of a committee to enable it to provide advice and assistance in carrying out rapid response activities and in the design and delivery of WIOA-authorized services to affected workers.

Layoff Aversion

Layoff aversion strategies and activities are designed to prevent, or minimize the duration of, unemployment resulting from layoffs. Layoff aversion is a comprehensive approach requiring the integration of data, relationships, partnerships, and policies and procedures to allow an assessment of the economic situation that exists within a given area.

Layoff aversion activities may include:

- Assisting employers in managing reductions in force, which may include early identification of firms at risk of layoffs, assessment of the needs of and options for at-risk firms, and the delivery of services to address these needs.
- Ongoing engagement, partnership, and relationship-building activities with businesses in the community, to create an environment for successful layoff aversion efforts and to enable the provision of assistance to workers in obtaining reemployment as soon as possible.
- Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs.
- Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity.
- Connecting companies to:
 - Short-time compensation or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available under Unemployment Insurance programs.
 - Employer loan programs for employee skill upgrading.
 - Other Federal, State, and local resources as necessary to address other business needs that cannot be funded with WIOA funding.
- Establishing linkages with economic development activities at the Federal, State, and local levels, including Federal Department of Commerce programs and available State and local business retention and expansion activities.
- Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered.

- Conducting analyses of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer.
- Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses.
- Connecting businesses and workers to short-term, on-the-job, or customized training programs and registered apprenticeships before or after layoff to help facilitate rapid reemployment.

Five Stages of Rapid Response

Stage One: Notification and Delivery

WorkForce West Virginia DWS Unit and Regional Rapid Response Coordinators are notified about a potential layoff or closure in several ways:

- Direct notification from the company, usually in the form of a WARN.
- News and other online resources.
- Local staff.
- Word of mouth.
- Social media.
- Partner agencies.

Once notified, the DWS Unit contacts WV Department of Economic Development to ascertain whether they are currently working with the company and what actions may have already been taken regarding the situation. After confirming a layoff is anticipated, arrangements are made to set up the Rapid Response Informational Meeting(s).

Stage Two: Initial Contact & Employer/Union Meeting (Formal and Informal)

At the initial employer/union contact meeting (which can be by phone or in-person), circumstances of the anticipated layoff are discussed, the layoff schedule, employee demographics, and a list of affected positions. Descriptions about informational meetings and services are provided, and the plan for serving workers is developed. The decision between having a formal, in-person meeting consisting of company representatives and representatives from various agencies involved in the Rapid Response process is solely left to the company's discretion. The goal of both the formal and informal meetings remains the same.

This initial meeting allows for the following:

- A conversation regarding the cause of the layoff/closure and open discussion regarding layoff aversion processes, possible training, job/training fairs and employment options.
- Discuss reemployment needs of the dislocated workers.
- Gather information about any services already given to workers by the employer.
- Advocate for on-site services such as resume workshops, job search assistance, interviewing techniques – all these can be done with employer cooperation prior to the dislocation.

Stage Three: Informational Meetings

The purpose of a group informational meeting is to inform dislocated workers of available services and to assist them with reemployment, healthcare options, 401k options, community resources, and unemployment information.

Our informational meetings include the following:

- Rapid Response Coordinators (either state or regional).
- Local unemployment & employment services representatives.
- Local Workforce Development Board (WDB) representatives.
- US Department of Labor/Employees Benefits Security Administration (EBSA) [healthcare options, retirement benefits].
- WV Navigator (assist with healthcare options).
- WV Department of Health and Human Services (DHHR) representative.
- WV Division of Rehabilitation Services (DRS) representative.
- Local investment counselor if workers have 401k's representative.
- Representatives from other states when a business is on a border with another state where the dislocation occurs.
- Business Services representatives.

Additional services may be included based on company characteristics, existing relationships, and potential reemployment needs of the workforce.

Stage Four: Onsite Services

When needed, onsite interactions can be provided through group workshops, or individually, and typically consist of providing workers assistance with the following:

- Resume building and posting.
- Interviewing skills.
- Job search assistance.
- WIOA eligibility registration.
- Labor Market Information.
- Basic computer literacy.
- Unemployment benefits
- Job fairs (if scheduled).
- Resource/Training fairs.

Stage Five: Post-Meeting Activities

During this phase, the State DWS Unit or Regional Rapid Response Coordinator will make certain that all paperwork is completed correctly and that all data entry and other duties are carried out according to policies and procedures. This is also when follow-up activities will be performed.

Useful Terms

Layoff Aversion – Layoff aversion consists of processes and activities to prevent or minimize the duration of unemployment resulting from layoffs.

Mass Layoff or Mass Job Dislocation – A layoff that affects 50 or more workers is considered a mass layoff for rapid response purposes.

Trade Adjustment Assistance (TAA) Program – Also called “TAA” or “Trade,” the TAA Program seeks to provide workers adversely dislocated by foreign trade with opportunities to obtain the skills, credentials, resources, and support necessary to (re)build skills for future jobs.

Trade Readjustment Allowance (TRA) – TRA is a form of income support payments made to individuals who have exhausted unemployment compensation and whose jobs were directly affected by imports as determined by a certification of group coverage issued by the US Department of Labor.

Worker Adjustment and Retraining Notification (WARN) Act – The WARN Act requires certain employers to provide 60 days advance notice of certain events such as plant closures or mass layoffs to affected workers, employee representatives, the WorkForce West Virginia Dislocated Worker Services Unit, and appropriate units of local government.

Workforce Innovation and Opportunity Act – WIOA is a federal funded program. The program serves two objectives: 1) addressing the training, education, and employment needs of individuals and 2) developing a skilled workforce that meets the needs of businesses and industry.

References

Federal Statutes

Workforce Innovation and Opportunities Act (WIOA)

WIOA §3(15) – Dislocated Worker Definition

WIOA §3(16) – Displaced Homemaker Definition

WIOA §3(51) – Rapid Response Activity Definition

WIOA §108(b)(8) – Local Plan Requirement

WIOA §133(a)(2) – Governor Funding Allocation Requirement

WIOA §134(a) – Rapid Response Funding Requirements

WIOA §134(d) – Rapid Response as a Permissible Local Activity

WIOA §168(a)(1)(B), (b)(2) – Training as Technical Assistance

Worker Adjustment and Retraining Notification (WARN) Act

Federal Regulations

20 CFR Part 639 WORKER ADJUSTMENT AND RETRAINING NOTIFICATION

- 639.1 – Purpose and scope.
- 639.2 – What does WARN require?
- 639.3 – Definitions.
- 639.4 – Who must give notice?
- 639.5 – When must notice be given?
- 639.6 – Who must receive notice?
- 639.7 – What must the notice contain?
- 639.8 – How is the notice served?
- 639.9 – When may notice be given less than 60 days in advance?
- 639.10 – When may notice be extended?

20 CFR Part 682, Subpart C – RAPID RESPONSE ACTIVITIES

- 682.300 – What is rapid response, and what is its purpose?
- 682.302 – Under what circumstances must rapid response services be delivered?
- 682.305 – How does the Department define the term “mass layoff” for the purposes of rapid response?
- 682.310 – Who is responsible for carrying out rapid response activities?
- 682.320 – What is layoff aversion, and what are appropriate layoff aversion strategies and activities?
- 682.330 – What rapid response activities are required?
- 682.340 – May other activities be undertaken as part of rapid response?
- 682.350 – What is meant by “provision of additional assistance” in the Workforce Innovation and Opportunity Act?
- 682.360 – What rapid response, layoff aversion, or other information will States be required to report to the Employment and Training Administration?
- 682.370 – What are the statewide activities for which rapid response funds remaining unobligated after the first program year for which the funds were allotted may be used by the State?

Training and Employment Notice (TEN)

- TEN 3-10 The National Rapid Response Initiative
- TEN 31-11 The Rapid Response Framework
- TEN 32-11 Rapid Response Self-Assessment Tool

TEN 9-12 Layoff Aversion in Rapid Response Systems

Training and Employment Guidance Letters (TEGLs)

TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules

Helpful Links

Rapid Response for Employers:

<https://www.dol.gov/agencies/eta/layoffs/employers>

Rapid Response for Laid Off Workers:

<https://www.dol.gov/agencies/eta/layoffs/workers>

Trade Adjustment Assistance for Workers:

<https://www.dol.gov/agencies/eta/tradeact>

Worker Adjustment and Retraining Notification (WARN) Act:

<https://www.dol.gov/general/topic/termination/plantclosings>