INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

FROM: Dennis A. Wimer DAW
Deputy Commissioner, Field Operations

DATE: October 1, 2014

SUBJECT: DWD Policy 2014-06
Rapid Response Activities

Purpose
The primary purposes of this policy are to:

- Provide information and guidelines for Rapid Response activities conducted by the State and/or Local Rapid Response Teams and to establish a basic standard of service for Rapid Response activities statewide;
- Clarify roles and responsibilities of State Dislocated Worker Unit and local Workforce Investment Boards relative to the delivery of Rapid Response services; and
- Describe the required topics that must be addressed at a Rapid Response employer meeting and at layoff orientations.

Rescission
None

References

- DWD Policy 2010-04: Using Rapid Response Funds for Incumbent Worker Training for Layoff Aversion;
- Workforce Investment Act, Section 101, (38) Rapid Response Activities Section 134, (2A);
- Statewide Rapid Response Activities WIA 20 CFR 665.310, 671.160;
- Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 et seq.);
- Worker Adjustment and Retraining Notification (WARN) Act (29 U.S.C. 2101 et seq.);
- 20 CFR Part 639, Section 112(a) and, the and Final Rule;
- Guidance on the Process to Request a National Emergency Grant (NEG) http://www.in.gov/dwd/files/DWD_Policy_2011_18.pdf;

- Using Rapid Response Funds for Incumbent Worker Training for Layoff Aversion: http://www.in.gov/dwd/files/DWD_Policy_2010-04.pdf

Background

Rapid Response (RR) assistance is provided for workers who are dislocated due to plant closures and substantial layoffs. For many workers who have been dislocated due to a layoff or plant closure, early intervention can play an important role in their successful reemployment and can help workers and communities adjust to the effects of layoffs and plant closings. In August 1988, Congress enacted the Worker Adjustment and Retraining Notification Act (WARN) to offer protection to workers, their families and communities by requiring employers to provide notice 60 days in advance of covered plant closings and covered mass layoffs. This notice must be provided to either affected workers or their representatives (e.g., a labor union); to the state of Indiana's division of Workforce Development; and to the appropriate unit of local government. More information about the WARN Act and its requirements may be found at http://www.dol.gov/layoff/warn.

Rapid Response assistance is a required activity under the Workforce Investment Act (WIA) to be carried out by the State in conjunction with the Local Workforce Investment Board (LWIB) and Chief Elected Officials. The Indiana Department of Workforce Development manages Rapid Response activities to ensure the planning and delivery of services that enable dislocated workers to transition to new employment as quickly as possible in the event of a mass layoff/closure or other natural disaster.

WIA §101(38) defines the term "Rapid Response" to mean an activity provided by a State, or by an entity designated by a State, with funds given to the State under WIA §134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility or enterprise, or a natural or other disaster that results in mass job dislocation, in order to assist dislocated workers [as described under WIA §101(9)] in obtaining reemployment as soon as possible, with services including:

- The establishment of onsite contact with employers and employee union representatives immediately after the State Rapid Response Program Director and/or Area WorkOne Manager is notified of a current or projected permanent closure or mass layoff, or in the case of a disaster, immediately after the State Rapid Response Program Director and/or Area WorkOne Manager is made aware of mass job dislocation as a result of such disaster;
- The provision of information and access to available employment and training activities;
- Assistance in establishing a labor-management committee, voluntarily agreed to be labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of the dislocated workers and obtaining services to meet such needs;
- The provision of emergency assistance (NEG) adapted to the particular closure, layoff, or disaster.

Content

WIA requires that states establish a Dislocated Worker Unit (DWU) to implement statewide Rapid Response activities for assisting employers and impacted workers as quickly as possible following the announcement of either a permanent closure or mass layoff, or a natural or other disaster resulting in a mass job dislocation.

There are two major events that trigger initial Rapid Response activity from the State DWU:

1. The filing of a WARN. The WARN Act is intended to offer protection to workers, their families, and communities by providing notice 60 days in advance of *covered* plant closings and *covered* mass layoffs (covered refers to employers with 100 or more full time employees). This notice must be provided to affected workers or their representatives, local government, and the State DWU. The Final Rule (20 CFR Part 639) identifies which dislocation events require WARN notice.

2. The filing of a Trade Adjustment Assistance (TAA) petition authorized under the Trade and Globalization Adjustment Assistance Act of 2009. The filing of a TAA petition requires the State DWU ensure that Rapid Response assistance and appropriate core and intensive services are made available to workers covered by the petition. If the TAA petition is certified by the US Department of Labor (USDOL), eligible workers are entitled to additional benefits and training opportunities to assist their return to suitable employment.

Rapid Response activities may also be triggered when an employer voluntarily notifies the State DWU or local partners of an impending event or the State DWU becomes aware of such an event through public notices and, or other sources.

The State DWU is the focal point in assisting local Rapid Response teams, local government officials, employers and workers by providing resources such as funding, technical assistance, and labor market information.

Generally, the State DWU is the first point of contact for employers in major dislocation events, including WARN and TAA petition notification. The State DWU responds to a dislocation event by establishing communication with the other Rapid Response partners, initially by telephone or e-mail.

Suggested Rapid Response partners include:

- State Dislocated Worker Unit
- Workforce Investment Boards and/or their contracted service providers
- WorkOne Centers
- Organized Labor when workforce is union represented
- Community and technical colleges
- Other system partners and stakeholders as determined locally

Policy

This policy sets forth the roles and responsibilities of the State Dislocated Worker Unit and Workforce Investment Boards (WIBs) relative to the delivery of Rapid Response activities under the Workforce Investment Act and Trade and Globalization Adjustment Assistance Act.

This policy ensures the State DWU, WIB and local Rapid Response teams provide Rapid Response services to workers and employers in a coordinated and timely fashion that is tailored to the unique circumstances of each dislocation event. The policy also ensures that required information is provided to dislocated workers statewide during Rapid Response layoff orientations.

Rapid Response services will be provided to workers and employers prior to dislocation events if possible or immediately following notification of the dislocation event provided that such actions would not adversely impact any ongoing collective bargaining negotiations related to the dislocation event.

Roles and Responsibilities

State Dislocated Worker Unit:
To ensure the effective delivery of Rapid Response services, the State DWU will maintain an effective statewide Rapid Response system to ensure the regular exchange of information related to federal Worker Adjustment and Retraining Notification (WARN) Act and Trade Adjustment Assistance Act events and other potential dislocations. In partnership, the State Rapid Response Program Director and the Local RR Teams must engage in an ongoing information gathering process and establish contacts that can provide information to dislocated workers. The State DWU is responsible for the following Rapid Response activities:

- Provides guidance and assistance to the Local Rapid Response (RR) Teams to ensure consistency in statewide operations and in the delivery of basic Rapid Response services.
- The State Rapid Response Program Director is responsible for the initial contact with all employers from whom a WARN notice is received. An employer who submits a WARN notice will be contacted within 48 hours of receipt by the State Rapid Response Program Director. The State Rapid Response Program Director will provide a general overview of Rapid Response services to the employer and provide employer with the contact information for the Local RR Team representative in that Workforce Investment Area. The State Rapid Response Program Director will contact the Local RR Team representative to ensure that contact is made with the affected employer to schedule an initial planning meeting. Any notification other than a WARN notice will be the immediate responsibility of the Local RR Team Leader for that Workforce Investment Area. The State Rapid Response Program Director may receive notification or communication of a layoff or plant closure in a number of ways. Examples of notification that warrant contact with an employer include:
    - Telephone contact from workers facing a potential layoff;
    - News articles or public announcements; and
    - Worker Adjustment and Retraining Notification letters (WARN notices).
- The State Rapid Response Program Director is responsible for ensuring that layoff/closure information is correct and up-to-date on the IDWD website.
- The State Rapid Response Program Director is responsible for maintaining a current list of Local RR Team member contacts for each Workforce Investment Area to aid in coordinating area-wide Rapid Response activities, and when appropriate, to issue guidance on program updates to Local RR Team members from different partnering agencies.
- The state dislocated worker unit will provide technical assistance to Local RR Teams as requested. As part of on-going technical assistance, the State Rapid Response Program Director will facilitate a yearly statewide roundtable with the all Local RR Team Leaders. It is recommended that all local workforce areas have a representative in attendance.

- The State Rapid Response Program Director maintains administrative policies and procedures that support Rapid Response assistance.
- The State Rapid Response Program Director promotes labor management or workforce transition committees for layoffs and closures. The State Rapid Response Program Director will provide technical assistance for establishing committees.
- When appropriate, the State Rapid Response Program Director will assist in planning and overseeing program strategies for layoff aversions.
- The State Rapid Response Program Director will assist WIBs in coordinating Rapid Response services with other available resources, such as National Emergency Grant (NEG) and/or Trade Act funds.
- The State Rapid Response Program Director will assist WIBs in the development of NEG applications and provide a state review of NEG applications that are to be submitted to the U.S. Department of Labor.

Workforce Investment Boards:
Workforce Investment Board (WIB) is responsible for coordinating the provision of Rapid Response services at the local level. To ensure the effective delivery of Rapid Response services, each WIB is responsible for the following:

- Designate a local Rapid Response contact person that will make the initial contact with the business and introduce Rapid Response services. Identify Rapid Response point of contact to coordinate with the State DWU. A Rapid Response point of contact may be a WIB administrative staff or a designated local Rapid Response team member.
    - *The Business Service Representative must enter the ICC service code of E36-Rapid Response Visit. This code is used when making the initial phone contact to the employer to arrange the initial on-site meeting.*
- Establish and maintain a local Rapid Response team. Members of the team may include representatives from the WIB, Service Provider, WorkOne Staff, labor organizations and/or State Labor Council (when the workforce is union represented), community and technical colleges, and other stakeholders and interested parties.
- Arrange for an initial on-site meeting with employers and employee representatives, assess layoff schedule, determine employer plans to assist the workers, and introduce appropriate on-site Rapid Response activities for WARN and *must include information on potential Trade Act applicability*.
    - *The Initial on-site meeting with employer including the Rapid Response Orientation must be marketed as a WorkOne service as to not confuse the employer and the affected worker.*
    - *The Business Services Representative must enter the ICC service of E37-Rapid Response Initial Meeting.*
- Obtain layoff list of affected workers and their contact information
- Planning assistance for dislocation events. Where feasible, Rapid Response assistance *should be conducted on-site.* If the employer does not provide the space, it should be offered at the union hall or at another nearby facility at the end of each work shift to accommodate the affected worker.

- Ensure Rapid Response orientation includes information packets on all available services at WorkOne and other community resources.
    - Written material and brochures including Rapid Response Common Worker Needs Survey must be available in Spanish when appropriate.
        - ICC User Guide,
        - EPPECard,
        - Uplink,
        - WorkOne Resource Guide,
        - Information on Career Counseling and job search assistance,
        - Information on resume preparation and interviewing skills workshops offered at WorkOne,
        - Information on local labor market
        - Education and training opportunities (WIOA)
        - Information on health benefits (Cobra)
        - Community Resources

    - Available services and benefits are explained and questions answered on topics including:
        - Filing a UI Claim
        - TAA, if applicable
        - COBRA and other health insurance coverage/tax credits
        - Labor Market Information and employment opportunities
        - Reemployment services
        - Job Training Services
        - Severance and retirement pay issues if applicable and presented by the employer
        - Workers are encouraged to identify their next step and are assisted in making appointments for career assessments, individual development plans, job readiness workshops at WorkOne and other community services
- Determine prospects for *layoff aversion* by consulting with the State DWU, state and local economic development organizations, and other entities. See policy 2010-04 Using *Rapid Response Funds for Incumbent Worker Training for Layoff Aversion.*
    - *Business Service Representative solicits information from the employer about supplier firms in order to more accurately assess the likelihood of secondary and tertiary layoffs.*
    - *When layoff aversion is discussed, Business Services Representative must enter the ICC service of E38-Layoff Aversion Meeting Service.*
- Determine proposed layoff schedule and what employer plans are to assist the dislocated workers, including the status of any collective bargaining negotiations affecting layoff benefits.
- Ascertain and provide the State DWU with information related to severance, separation pay, retirement incentives, and voluntary layoffs so that the Unemployment Insurance (UI) Division of the Department of Workforce Development can review and determine UI eligibility.
- Coordinate and facilitate the delivery of Rapid Response layoff orientations for affected workers.
- Assess the needs of the impacted workers as quickly as possible through the use of the **Rapid Response Worker Needs Survey**. The worker survey is an important tool used in determining

an affected worker's skills and education and identifies probable assistance needs. *Additionally, the U.S. Department of Labor requires survey results for National Emergency Grant (NEG) applications.* The survey results are used to estimate the number of workers needing training and other services, the cost of providing those services, and as support for preparing fully documented applications for NEG funding when applicable.

  - All surveys along with a sign-in sheet are to be sent to the Director of Rapid Response scanned via email to the State Rapid Response Program Director so that the data is tabulated. The data results will be sent to the WIB via email so a service strategy can be carried out for the affected workers.
  - "Rapid Response Orientation Session" is to be entered in **TrackOne** for all participants completing survey.

- Determine the need for and promote a voluntary labor management committee or a workforce transition committee comprised of representatives of the employer, affected workers or their representatives, and other community entities as necessary. The committee would assist in planning and overseeing an event-specific strategy that supports the reemployment of affected workers.
- Consult and coordinate with appropriate labor representatives when planning Rapid Response activities for those impacted workers covered by a collective bargaining agreement.
- Determine the need for *peer to peer worker outreach* to connect dislocated workers with services in conjunction with the labor management committee or its equivalent. *A Peer to peer worker provides outreach to their co-workers, drawing them into the WorkOne centers and educates them about all of the various dislocated worker services and training options that are available to them.*
- Ensure procedures are in place for the timely access and referral to WorkOne programs, services and information offered by WIA, UI, TAA, Wagner-Pyser and other programs.

Required Forms

- Rapid Response Orientation Sign-In Sheet
- Rapid Response Common Worker Needs Survey

Ownership

Connie Berry, Director of Policy
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204
CEBerry@dwd.IN.gov

Inquiries may be directed to: Jennifer Long: (317) 234-8400; jlong@dwd.in.gov

Effective Date

Immediately

Attachments

Attachment A: WIA Rapid Response Grant Request
Attachment B: Statement of Work