



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: January 18, 2019 Number: 2019-02

RAPID RESPONSE

INTRODUCTION

This policy provides guidance to the Workforce Development Board (WDB) of Solano County in providing Rapid Response activities and services to employers and workers who has been affected by lay-offs, plant closures, and down-sizing. Under the Workforce Innovation and Opportunity Act (WIOA), rapid response activities are carried out in local areas by the state Employment Development Department (EDD), working in conjunction with local workforce development boards and other stakeholders. The purpose of rapid response is to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, or responding to layoffs and dislocations; in addition to preventing or minimizing their impacts on workers, businesses, and communities.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanolwdb.org or (707) 863-3594.

ATTACHMENTS

- Attachment A: Categorization of Rapid Response Activities

POLICY

The WDB works in partnership with EDD to provide quality rapid response activities. A successful rapid response system includes:

- Information and direct reemployment services for workers;
- Solutions to address the needs of businesses in transition, provided across the business lifecycle (expansion and contraction), including business engagement and layoff aversion strategies;
- Facilitating connections, networks and partners to provide assistance to 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.

RAPID RESPONSE ACTIVITIES

Rapid response services and activities, which encompass strategies necessary to plan for and respond to the needs of employers and affected workers, must be delivered as quickly as possible when one or more of the following circumstances occur:

- Announcement or notification of a permanent closure, regardless of the number of workers affected;
- Announcement or notification of a mass layoff that meets at least one of the following conditions:
 - Affecting 50 or more workers; or
 - When a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff announced;
- A mass job dislocation resulting from a natural or other disaster; or
- The filing of a Trade Adjustment Assistance (TAA) petition.

Rapid response services and activities may be delivered to any employer that faces a substantial layoff of workers regardless of size of employer.

The Workforce Development Board of Solano County Rapid Response Coordinator (RRC) will contact affected employers within 48 hours of WARN or Non-WARN notification. RRC will coordinate with Employment Development Department (EDD) Workforce Services Division to schedule a planning meeting, orientations, and any other services requested by the affected employer and employees at times and dates convenient to them. In addition, the RRC, in collaboration with EDD and other relevant partners, will:

- Schedule and conduct orientation(s), as necessary and have attendees complete sign-in sheets;
- Provide and collect information on interest in re-employment services available through WIOA programs and EDD Workforce Division services;
- Explain available services and programs to ensure the best available services are provided to the Dislocated Workers and promote daily calendared activities assessable through the America's Job Center of California (AJCC) in attendees' local areas and the Solano AJCC; and
- Collect all contact information and rosters for future use and scheduling of one-on-one or group Intake/Eligibility sessions for WIOA services.

Required Rapid Response Activities

Rapid Response teams must conduct immediate and on-site contact with the employer, representatives of the affected workers, and the local community, including an assessment and plans to address the:

- Layoff plans and timeline of the employer;
- Background and probable assistance needs of the affected workers;
- Reemployment prospects for work; and

- Available resources to meet the short and long-term assistance needs of the affected workers.

Staff must provide information and access to unemployment compensation benefits and programs (such as Short-Time compensation), comprehensive one-stop delivery system services, available career and training activities, as well as information on the Trade Adjustment Act (TAA) program, the GI Bill and other resources.

Necessary services and resources must be delivered, to include workshops and classes, use of worker transition centers, and job fairs to support reemployment efforts for affected workers. Emergency assistance adapted to the particular layoff or disaster must also be provided. Staff must also deliver services to worker groups for which a petition for TAA has been filed. If activities needed exceed the capacity of the local area, the WDB may apply for additional assistance from EDD.

Partnership between local EDD staff, WDB staff, and chief elected officials is required to ensure a coordinated response to the dislocation event and, as needed, obtain access to economic development assistance. Such coordinated response may include the development of an application for a national dislocated worker grant as necessary. Partnerships must also be established 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, in order to:

- Conduct strategic planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance; and
- 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.

As appropriate, the local Rapid Response team should develop systems and processes for identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion. In addition, staff should analyze and act upon data and information on dislocations and other economic activity in the state, region, or local area. As part of the systems and processes, outcome and performance data tracking on the activities of the rapid response program should be included.

If the employee's bargaining representative and management voluntarily agree, the Rapid Response team may provide guidance and financial assistance to establish a labor-management committee related to the layoff. 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 member of the committee, as well as funding the operation 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.

Rapid Response programs have the discretion to determine which strategies and activities are applicable in given situations. EDD may devise other activities or strategies intended to minimize the negative impacts of dislocation on workers, businesses, and communities. When circumstances allow, rapid response funding may provide guidance and/or financial assistance to establish community transition teams to assist the impacted community in organizing support for dislocated workers and in meeting the basic needs of their families.

Rapid response activities must be reported quarterly to EDD and included on the EDD Rapid Response 121 Report. Activities reported include employer contacts in response to layoffs or closures. The report must be completed to include all employer layoff, closure planning, and orientation meetings.

LAYOFF AVERSION ACTIVITIES

Layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. An effective layoff aversion system allows states and local areas to play an active role in shaping and maintaining a competitive, resilient regional workforce. WIOA requires states and local areas to include layoff aversion as an integral component of rapid response.

A sound layoff aversion infrastructure should include early warning systems, and can include close communication with employer representatives, industry groups, organized labor, utilities, or local media; and/or assessment of labor market trends and economic data to assess the health of businesses. Employers must be informed about their legal responsibilities to issue advance notification of layoffs and closures.

Permissible Layoff Aversion Activities

Rapid Response programs have the discretion to determine which strategies and activities are applicable in given situations. Activities may include:

- Providing assistance to 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, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated 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; or
- Other Federal, State and local resources as necessary to address other business needs that cannot be funded with resources provided under WIOA;
- 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 risk 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; and
- Connecting business and workers to short-term, on-the-job, or customized training programs and registered apprenticeships before or after layoff to help facilitate rapid employment.

EDD may devise other activities or strategies intended to minimize the negative impacts of dislocation on workers, businesses, and communities.

Layoff aversion activities must be reported to EDD quarterly and included on the Layoff Aversion 122 Report. Activities reported include business solutions strategies delivered to businesses during any stage of the business cycle that relate to and result in job retention and/or rapid reemployment.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Investment and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

REFERENCES

Law

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#)

Federal Guidance

- Workforce Innovation and Opportunity Act Final Rule, 20 CFR Part 682.300-370
- Training and Employment Guidance Letter (TEGL) 19-16 – [Guidance on Services provided through the Adult and Dislocated Worker Programs and the Wagner-Peyser Act Employment Services](#)
- Training and Employment Notice (TEN) 9-12 – [Layoff Aversion in Rapid Response Systems](#)

State Guidance

- Workforce Services Directive (WSD) 16-04, [Rapid Response and Layoff Aversion Activities](#)

Approved by

Workforce Development Board of Solano County

Categorization of Rapid Response Activities
Title 20 CFR Notice of Proposed Rule Section 682.330

Activity	Required	Allowable	Prohibited
Conducting planning meeting with employer	X		
Assessing layoff aversion potential	X		
Conducting orientation meeting with employees	X		
Providing TAA orientation	X		
Delivering/mailing Rapid Response informational materials	X		
Providing access to CalJOBS SM and SkillsMatch on-site, using company's or mobile facility	X		
Enabling participants to register with America's Job Center of California SM onsite	X		
Job fair or information expo focused on one or more dislocation events, at or not at the dislocation site	X		
Coordinating Labor-Management/Workforce Transition Committee	X		
Providing information about services available in the AJCCs and setting up systems to provide on-site access to information and services	X		
Providing training orientation on industry specific opportunities (ex: Biotech)	X		
Providing resources for food, shelter, clothing and other emergency assistance	X		
Conducting Business Engagement Activities	X		
Conducting Research on Business Activities	X		
Devising layoff aversion strategies with employer	X		
Providing layoff aversion technical assistance to employer	X		
Conducting business services workshops	X		
Training affected workers to upgrade skills for another position in company	X		
Attending Regional Roundtable		X	
Attending conferences		X	
Conducting interview technique workshops		X*	
Conducting job search assistance and resume writing workshops		X*	
Completing Unemployment Insurance applications			X
Job fair or information expo not related to a dislocation event			X

* Local Workforce Development Areas may conduct group workshops (e.g. job search assistance and/or resume writing workshops) as part of on-site Rapid Response to business closures or significant layoffs and charge the cost to their 25 Percent Rapid Response funds if they have determined, in consultation with the local workforce services manager, that EDD workforce services staff are not available to conduct such workshops.



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
RAPID RESPONSE POLICY
(Issued January 18, 2019)

The Workforce Development Board (WDB) of Solano County's Rapid Response Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been provided to me to retain for future reference, and I have been provided with the location of the policy on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Rapid Response Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I further understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____