

Rapid Response - State Dislocated Worker Unit Policy

Reference:

Workforce Investment Act of 1998, Section 101 and 134; Federal Register/Vol. 54, No. 75, April 20, 1989; Federal Register/Vol. 65, No. 156/Friday, August 11, 2000; WIA Five-Year Integrated State Plan (7/1/12 – 6/30/17); TEN 3-10; TEN 31-11; TEN 32-11; and Allocation Planning Policy.

Background:

Rapid Response 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 passed the Worker Adjustment and Retraining Notification Act (WARN) to provide workers with sufficient time to seek other employment or retraining opportunities before losing their jobs.

Action:

After the 10 day public comment period, this policy is considered final. Questions and comments should be submitted in writing to Jan Fox, Policy Coordinator, jan.fox@nebraska.gov.

Policy:

Rapid Response is a required activity under the Workforce Investment Act (WIA), to be carried out in local areas by the state in conjunction with the local board and Chief Elected Officials. The Nebraska Department of Labor (NDOL), Office of Employment and Training (OET), is the state's designated Dislocated Worker Unit. The Dislocated Worker Unit manages Rapid Response activities through the Rapid Response Team. This Rapid Response Team is responsible for the planning and delivery of services to enable dislocated workers to transition to new employment as quickly as possible in the event of a permanent closure, mass layoff, or a natural or other disaster resulting in a mass job dislocation. Nebraska's Rapid Response Team is a joint partnership between the State and local Career Center staff. The Rapid Response Team is composed of a State coordinator and three regional workforce coordinators.

Purpose:

Rapid Response activities enable dislocated workers to receive services necessary to transition to new employment as quickly as possible, following either a permanent closure or mass layoff, or a natural or other disaster resulting in a mass job dislocation.

DEFINITIONS

WARN Notices –

The Worker Adjustment and Retraining Notification Act (WARN) provides that, with certain exceptions, employers who have 100 or more full-time workers (not counting workers who have less than 6 months on the job and who work less than 20 hours per week), must give a written notice 60 days before the date of a plant closing or mass layoff to affected workers or their representatives, to NDOL's OET and to the appropriate local government. Notice must be given if a layoff affects 50-499 employees if they make up at least 33% of the active workforce or 500 or more employees.

Plant Closing –

The term "plant closing" means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees.

Mass Layoff –

The term "mass layoff" means a reduction in force which first, is not the result of a plant closing, and second, results in an employment loss at the single site of employment during any 30-day period for at least 33% of the active employees, excluding part-time employees, and at least 50 employees. This does not count employees who regularly work less than 20 hours per week or who have worked less than 6 months in the last 12. When 500 or more employees (excluding part-time employees) are affected, the 33% requirement does not apply, and notice is required if the other criteria are met.

Although WIA stipulates that Rapid Response services be offered in the event of a mass layoff, Rapid Response assistance may be authorized in circumstances where the layoff affects less than 50 employees, occurs at more than one work site, or takes place over a period longer than 30 days. Examples of such circumstances may include, but are not limited to layoffs:

- Occurring in a local area of substantial unemployment. Local areas of substantial unemployment will be determined annually by NDOL's Office of Labor Market Information.
- Which reduce the size of the local workforce by 5% or more.
- Which increase the unemployment rate of the local area by 1.5% or more.
- Where the majority of employees in a local area are in a low-demand occupation. The area considered for determination of availability of work is generally within a 50-mile radius.
- Any catastrophic situation which would have a major impact upon the workforce in the community in which it occurs.

Labor Market Information data and other appropriate statistical reporting sources will be used to determine the unemployment, workforce, and occupational status of local areas.

The procedures contained in this policy will be followed in the event of a plant closure, mass layoff, receipt of a WARN notice, or findings of exceptional circumstances.

COMMUNICATION OF CLOSURE OR LAYOFF

The Dislocated Worker Unit may receive communication of a layoff or plant closure in a number of ways. Examples of notification that warrants contact with an employer include:

- Telephone contact from workers facing a potential layoff
- Communication from NDOL staff and Workforce Development partners
- News articles or public announcements
- Worker Adjustment and Retraining Notification letters (WARN notices)

The State Rapid Response coordinator will establish and coordinate a statewide layoff/closure/WARN notification alert system to communicate public notices of layoff or plant closures to Workforce Development partners, Rapid Response team members, and other appropriate agency personnel.

INITIAL CONTACT

The State Rapid Response coordinator will contact the employers and employee representatives immediately (within 48 hours) after the State Dislocated Worker Unit is notified of a current or projected permanent closure or mass layoff. The purpose of this initial contact is to verify the layoff, provide information about Rapid Response services, and invite the employer to meet with the Rapid Response team to establish a plan to provide such services. If the information provided by the employer is for public release, the State Rapid Response coordinator shall cause the statewide electronic WEB notification system to be updated (within 48 hours) in order to inform the appropriate agencies and local Workforce Development Career Centers of layoff/closure/WARN activities. The Rapid Response coordinator shall also contact the appropriate labor organization, if employees are represented. The local labor representative and local workforce staff may also attend the initial contact meeting with the employer.

Information and discussion during the initial contact will include:

- Available programs, service providers, and resources in the local area such as unemployment insurance, reemployment services, job training, Trade Adjustment Assistance, and financial counseling to meet the short and long-term assistance needs of the affected workers
- Rapid Response format, content, and benefits to the employer and employees
- An assessment of the employer's layoff plans and schedule
- Identification of the employees affected by the layoff, their current wage scale, occupations, skill levels, and length of service
- Company benefits available to employees, i.e. severance pay, job development/job search activities, relocation or reemployment opportunities, etc.
- Probable assistance needs of the affected workers
- Reemployment prospects for workers in the local community
- Potential for averting the layoff or closure may be discussed in consultation with state or local economic development agencies, including private sector entities such as the local Chamber of Commerce

TRADE ADJUSTMENT ASSISTANCE (TAA)

Rapid Response assistance is provided to every group of workers on whose behalf a petition is filed. Rapid Response staff will make employees aware of the different services available to workers after a layoff is announced, and if provided before a petition is filed, Rapid Response will include information on the process of petitioning for certification under the TAA program.

COORDINATING THE RAPID RESPONSE

Once initial contact is established, Rapid Response assistance will be provided to employers and employees in accordance with state and federal policy. To coordinate this effort the Rapid Response Team will:

- Provide notification to the local Workforce Investment Board and/or Chief Elected Official (CEO), as appropriate, to determine what further services are necessary to include in local Rapid Response meetings
- Work with the employer to determine the Rapid Response meeting dates and times, making provision as needed for interpreters, room accommodations, specialized equipment, and demonstrations
- Determine workshops and/or demonstrations appropriate for each situation. Examples include labor market information and Internet demonstrations, résumé preparation and interviewing workshops, etc.

- Coordinate with the local One-Stop center to arrange for program representatives to provide employment and training information, including the Trade Adjustment Assistance program if a certification for Trade has been submitted or certified
- Coordinate with other local program providers, to bring information to dislocated workers about emergency services and human service programs within their area
- Create and issue agendas to the employer and participating members
- Establish a Rapid Response event number

RAPID RESPONSE PARTNERS

Agencies who participate in local Rapid Response meetings may include, but are not limited to:

- Local One-Stop Center and Operator
- Local Workforce Investment Board and CEO
- Employment Service
- Economic Development
- Education
- Local Community Organizations
- Workforce Investment Act – Job Training
- Unemployment Insurance
- Health and Human Services
- Veterans Services
- Consumer Credit Counseling
- Chambers of Commerce
- TAA Program
- Other appropriate agencies

THE RAPID RESPONSE ON-SITE MEETING

The Rapid Response meeting(s) will feature presentations from appropriate agencies in the local area. Workers attending a Rapid Response meeting will receive information and access to:

- One Stop Career Center services
- Employment services
- WIA training activities
- Trade Adjustment Assistance, if Trade certified
- Unemployment Insurance benefits
- Internet websites that provide job search and preparation guidelines
- Service providers
- Labor Market and information
- Financial counseling programs
- Federal financial assistance for students
- Local Health and Human Services programs
- Résumé and interview guidance
- Veterans Program assistance

The Rapid Response will provide emergency assistance adapted to the particular closing, layoff, or disaster.

INFORMATION EXCHANGE / PROGRAM OUTREACH

The Dislocated Worker Unit operates a monitoring, reporting, alert, and management information system that can be used to provide information for effective program management review and evaluation. All layoffs and closures are recorded on a database regardless of whether they require compliance under the WARN Act. In addition, all Rapid Response presentations, location of presentations, presenters at each site, and other outreach activities offered to affected companies are documented.

Utilizing this database of WARN notices, layoffs, closures, and Rapid Response activity in conjunction with current labor market information and unemployment insurance claims, the State Rapid Response coordinator develops and maintains mechanisms for:

1. **The regular exchange of information** relating to potential dislocations, which includes:
 - Promoting the achievement of the Workforce Investment Act goals and objectives
 - Disseminating information throughout the state regarding availability of Rapid Response and Dislocated Worker services
 - Providing information about innovative and successful strategies for serving dislocated workers to local areas serving smaller layoffs
 - Designing, updating, and providing Rapid Response brochures and public information materials
 - Presentations to substate areas, local One-Stop centers, business organizations, local boards, etc.

2. **Evaluating the effectiveness of Rapid Response strategies, which includes [Reference TEN 32-11 and 31-11]:**
 - Analyzing information relating to dislocations, including potential closings and layoffs, along with the available Dislocated Worker resources. The review and evaluation of Rapid Response and layoff aversion efforts in the state shall be used to provide a basis for effective program management.
 - Conducting dislocated worker surveys at all Rapid Response meetings. Completed questionnaires should be returned to the Rapid Response Coordinator located in the Office of Employment and Training within three working days. The Rapid Response Coordinator will process the surveys and provide the resulting report to affected Career Center Managers and other partners within five working days.
 - The Rapid Response program will also use the guidance referenced in TEN 32-11 and 31-11. These TENs provide tools to evaluate the program and continue improvement.

3. **Providing capacity building and Rapid Response training for State staff, Rapid Response Team, partners, and local level staff, which may include:**
 - Participating at Regional Rapid Response Roundtables
 - Conducting a Rapid Response self-assessment using a U.S. Department of Labor benchmarking tool to help identify strengths, weaknesses, and areas where further technical assistance or training is needed

LINKAGES AND COORDINATION

The Dislocated Worker Unit may develop additional activities to provide effective Rapid Response services upon notification of a permanent closure, layoff, or other disasters resulting in a mass job dislocation. The Dislocated Worker Unit may:

- **Provide assistance** to local communities, boards, and Chief Elected Officials to develop a coordinated response to dislocation events, and, as needed, obtain access to state economic development assistance. Such coordinated response may include the development of an application for National Emergency Grants for discretionary funds.

- **Develop linkages** with other appropriate Federal, State and Local agencies and officials, employer associations, Workforce Investment Boards, industry business councils, and labor organizations for developing a strategic plan to serve impacted employees and for providing emergency assistance adapted to the particular closing, layoff, or disaster.

- **Develop prospective strategies for layoff aversion** in conjunction with economic development agencies, including federal Department of Commerce programs and available state and local business retention and recruitment activities. Such activities may include identifying strategies for the possible aversion of layoffs, coordinating pre-feasibility studies, or avoiding plant closure through an option for a company or the workers to purchase the plant or business and continue it in operation.
- **Provide interpretation** of the requirements of the Workforce Investment Act and its implementing regulations.

LABOR MANAGEMENT COMMITTEE

In cases of closure or layoff, the Rapid Response Team offers guidance and/or financial assistance for establishing a labor-management committee or a workforce transition committee. Such a committee may be voluntarily agreed to by labor and management, and comprised of representatives of the employer, the affected workers, and the local community. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers, which may include assessment, outreach, and obtaining services to meet such needs.

The Rapid Response Team may provide assistance to this committee that includes:

- The provision of training and technical assistance to committee members
- Funding of the operating costs to enable the committee to provide advice and assistance in carrying out Rapid Response activities and to design and deliver WIA-authorized services to affected workers. Such support will typically last no longer than six months.
- Providing a list of potential candidates to serve as a neutral chairperson of the committee

ADDITIONAL FUNDING

Local areas may request a portion of the Rapid Response funds retained at the State level if there is a justified need for additional dislocated worker funds to support training services to dislocated workers. To apply for these funds, please refer to the State's Allocation Planning Policy for a description of the process and required application form.