



State Policy

Workforce Innovation and Opportunity Act (WIOA)

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	Rapid Response
	Effective date
	August 23, 2019
	Supersedes
	None

Rapid Response Services

REFERENCE

Federal and state laws, regulations, rules, and other guidance and documentation relied upon for the development of this policy are cited in footnotes.

BACKGROUND

Rapid Response plays an important role in providing customer-focused services to dislocated workers and employers, promoting economic development and vitality, and delivering critically important solutions to workers and businesses in transition.

ACTION

Questions and comments on this policy may be submitted in writing to the WIOA¹ policy mailbox at ndol.wioa_policy@nebraska.gov.

The Rapid Response unit staff, Title I and Title III programs, including their service provider staff, and the TAA program and its staff must adhere to the requirements of this policy, including requirements regarding roles and responsibilities described in [Section III](#) and NDOL's [WIOA Rapid Response Procedures Manual](#).

¹ WIOA refers to the Workforce Innovation and Opportunity Act of 2014.

POLICY

The State's² policy on Rapid Response Services describes the:

- purpose and types of Rapid Response services;
- circumstances when Rapid Response services must be delivered; and
- roles and responsibilities of staff involved in the delivery of Rapid Response services.

This policy is organized into three sections.

Section I. Rapid Response purpose and services.....	2
Section II. Circumstances requiring Rapid Response	4
Section III. Rapid Response roles and responsibilities.....	5

Section I. Rapid Response purpose and services

The purpose of Rapid Response is to promote economic recovery and vitality by

- developing an ongoing, comprehensive approach to identifying, planning for, responding to layoffs and dislocations; and
- preventing or minimizing the impact of layoffs and dislocations on workers, businesses, and communities.

A successful Rapid Response system includes:³

- informational and direct reemployment services for workers, including information and support for filing unemployment insurance claims, 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 assist dislocated workers and their families, such as home heating assistance, legal aid, and financial advice; and

² State refers to the Nebraska Workforce Development Board and the Nebraska Department of Labor (acting on the Governor's behalf pursuant to the Governor's Executive Order No. 15-03).

³ 20 CFR §§ 682.300(b)(1)-(4); TEGL 19-16

- strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.

Rapid Response services must include:⁴

1. layoff aversion activities, as applicable;
2. 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:
 - a. layoff plans and schedule of the employer;
 - b. background and probable assistance needs of the affected workers;
 - c. reemployment prospects for workers; and
 - d. available resources to meet the short and long-term assistance needs of the affected workers;
3. 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 the TAA program, Pell Grants, the GI Bill, and other resources;
4. 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;
5. partnership with local workforce development boards (local boards) and local area chief elected officials (CEOs) to ensure a coordinated response to the dislocation event and, as needed, obtain access to state or local economic development assistance, which may include the development of an application for a National Dislocated Worker Grant;
6. provision of emergency assistance adapted to the particular layoff or disaster;
7. as appropriate, development of systems and processes for:
 - a. identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion;
 - b. analyzing, and acting upon, data and information on dislocations and other economic activity in the state, region, or local area; and
 - c. tracking outcome and performance data and information related to the activities of the rapid response program;
8. developing and maintaining partnerships with other appropriate Federal, state and local agencies and officials, employer associations, technical councils, other industry business

⁴ 20 CFR § 682.330; TEGL 19-16

councils, labor organizations, and other public and private organizations, as applicable, in order to:

- a. conduct strategic planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance; and
 - b. 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;
9. delivery of services to worker groups for which a petition for TAA has been filed;
10. provision of additional assistance to local areas that experience disasters, mass layoffs, or other dislocation events for the provision of direct career services to participants if there are not adequate local funds available to assist the dislocated workers;
11. 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), which may devise and oversee an implementation strategy that responds to the reemployment needs of the workers, such as:
- a. provision of training and technical assistance to members of the committee; and
 - b. funding the operating costs of a committee to enable it to provide advice and assistance in carrying out rapid response activities and the design and delivery of WIOA-authorized services to affected workers.

Section II. Circumstances requiring Rapid Response

Rapid Response services must be delivered when one or more of the following circumstances occur:⁵

- announcement or notification of a permanent closure, regardless of the number of workers affected;
- announcement or notification of a *mass layoff*;
- a mass job dislocation resulting from a natural or other disaster; or
- the filing of a Trade Adjustment Assistance (TAA) petition.

⁵ 20 CFR § 682.302(a)-(d); TEGL 19-16

A *mass layoff* occurs when at least one of the following conditions has been met:⁶

- when a layoff affects 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.

NOTE: Only the State is permitted to define *mass layoff* differently.⁷

Section III. Rapid Response roles and responsibilities⁸

Using funds reserved by the Governor from the state's allotment of dislocated worker funds, Rapid Response activities are carried out by the State, in conjunction with local workforce development boards, Chief Elected Officials, and other workforce system shareholders.

NDOL's Rapid Response unit carries out and oversees Rapid Response services statewide. Delivery of Rapid Response services must be carried out in accordance with the NDOL's [WIOA Rapid Response Procedures Manual](#). This requirement applies to Rapid Response unit staff, Title I and Title III programs, including their service provider staff, and the TAA program and its staff. For technical assistance regarding Rapid Response services or the procedures manual, contact Erin Cooper at erin.cooper@nebraska.gov.

DISCLAIMER

This policy is based on NDOL's reading of the applicable statutes, regulations, rules, and guidance released by the US Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

⁶ 20 CFR § 682.305(b)-(c); TEGL 19-16

⁷ 20 CFR § 682.305(a)-(b); TEGL 19-16

⁸ WIOA Secs. 133(a)(2) and 134(a)(2); 20 CFR § 682.310; TEGL 19-16