

WORKFORCE INVESTMENT NOTICE: 18-06

TO: Local Workforce Development Areas

FROM: Governor's Workforce Board

SUBJECT: Rapid Response Process Under WIOA

DATE: Effective: April 19, 2018

- 1. PURPOSE:** To notify Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce partners of the process for Rapid Response layoff aversion, plant closing and/or mass layoff activity under the Workforce Innovation and Opportunity Act of 2014 (WIOA)
- 2. REFERENCES:** WIOA Sec. 134
- 3. BACKGROUND:** Rapid Response (RR) is a Layoff Aversion / Outplacement program designed to respond to businesses in transition, including major layoffs and plant closings, by rapidly coordinating services and providing immediate aid to affected companies and their workers. The success of any effort to avoid potential closings or layoffs is dependent on how quickly and smoothly state and local workforce development partners can implement an appropriate service strategy.

Rapid Response activities are provided as part of a comprehensive workforce development system designed to respond quickly to a company that provides notice under the Worker Adjustment and Retraining Notification Act (WARN), a general announcement of a plant closing or other notification when a layoff appears imminent. Rapid Response provides early intervention services to assist dislocated workers, promotes their efficient and rapid transition into gainful employment, works with Local Workforce Boards to deliver these services.

- 4. Inquiries:** Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.qwb.ri.gov

5. Policy:

The Governor's Workforce Board's policy regarding Rapid Response activities is specified herein.

Required Delivery of Rapid Response Services

Rapid Response services must be made available when one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected,
2. Announcement or notification of a mass layoff that 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 announcement,
3. A mass job dislocation resulting from a natural or other disaster, or
4. The filing of a Trade Adjustment Assistance (TAA) petition.

While businesses are under no obligation to allow or help ensure smooth delivery of rapid response services, reasonable effort should be made to make Rapid Response services available to affected workers.

Step 1: Plant Closing / Layoff Notification

Rapid Response activities are initiated upon receipt of information regarding a plant closing or a substantial layoff. Such information may come from a number of sources including, but not limited to informal notifications to a state agency such as the Department of Labor and Training, the Governor's Workforce Board, the Commerce Corporation, and others; or through a formal Worker Adjustment and Retraining Notification Act (WARN) notification submitted by the company itself.

The Worker Adjustment and Retraining Notification Act (WARN) is a federal law that requires an employer to provide its employees with adequate notice when it plans to go out of business or layoff a large number of them. Rhode Island does not have its own layoff notice law, therefore Rapid Response will utilize the federal notification.

If the information is not received directly by the Department of Labor and Training, the Department should nonetheless be notified immediately by the informed party of any plant closing or layoff.

Step 2: Call to Company

Upon receipt of notification, it is the responsibility of the Rapid Response Manager or designated entity to:

- make the initial contact to the identified company to verify the information regarding a layoff/closing
- investigate possible layoff aversion strategies
- determine labor union involvement
- introduce the company to potential services, and
- request the scheduling of an initial company meeting

Any interactions beyond this step related to Rapid Response services are to be initiated at the employer's invitation or request.

Step 3: Initial Company Meeting

The Rapid Response Manager and/or designated entity will attend the initial company meeting.

The Rapid Response Manager or designated entity will provide the company with general information regarding the services available to the company and its workers through the local One-Stop Career Center system. The presentation may also include information with respect to: layoff aversion strategies, matching affected workers with area employers who are hiring, Trade Adjustment Assistance (TAA), National Dislocated Worker Grants (NDWG), Rapid Response Set-Aside Grants (if available), state and federally funded incumbent worker training opportunities, the state WorkShare Program, industry and community based workforce development partnerships, and the other available services.

The Rapid Response Manager or designated entity will obtain requisite information regarding the potential layoff including, but not limited to: the number of employees effected, the cause/reason for the layoff (if available), whether outplacement assistance will be offered by the company and, if available, demographic information regarding the workers impacted including, but not limited to; the average age, average wage, and education level.

Step 4: Employee Services

At a minimum, the Rapid Response activities will provide workers with information and access to unemployment compensation benefits, comprehensive One-Stop Career Center system services, and employment and training activities which may include information on the Trade Adjustment Assistance program (TAA) and National Dislocated Worker Grants (NDWG). Employee meetings may be held at the most convenient location including the nearest One Stop Career Center.

When appropriate, additional services may be provided to employees, which may include:

- Group or Individual Registration
- Job Search Workshops
- Individual Assessment/Counseling
- Job Search Strategies and Techniques
- Resume Writing
- Interviewing
- TAA Orientations
- Job fairs/Company matching
- Other services as necessary

Step 5: Layoff Aversion

The Department of Labor and Training will develop and maintain collaborative partnerships with a range of organizations that can help identify and avert potential layoffs. These partnerships will include but are not limited to: Rhode Island Commerce Corporation, the U.S. Department of Commerce Trade Adjustment Assistance for Firms, the Governor's Workforce Board, and the Department of Labor and Training's Work Share Program. Information will be gathered at all downsizing companies regarding reasons for layoff as well as what, if anything, the state can do, or could have done, to avert the layoff. Through job matching and onsite job fairs, Rapid Response will also work with affected employees to assist with transition to either a different job with the same employer or to a new job with a different employer while experiencing minimal or no spell of unemployment. Rapid Response will support the strategic planning and implementation of revitalized or enhanced business engagement activities within the state.

Step 6: Other Rapid Response Activities

Additional Rapid Response activities include the following:

- Operate a reporting and management system for program management, tracking and oversight of Rapid Response activities as well as maintain the WARN data base.
- Exchange information and coordinate programs with appropriate economic development agencies and educational programs to provide effective Rapid Response services upon notification of a permanent closure or mass layoff.
- Disseminate and exchange information on Rapid Response activities to ensure that employer organizations, organized labor and employee groups are aware of the availability of Rapid Response services.

TRADE ADJUSTMENT ASSISTANCE:

When appropriate, Rapid Response will provide Trade Adjustment Assistance (TAA) information to companies and when appropriate, assist in the completion of the company's application for certification. The Rapid Response services will coordinate and disseminate information to affected workers regarding the Trade Program, and will outline the various services and benefits available under the Trade Program and the criteria for eligibility for training.

NATIONAL DISLOCATED WORKER GRANTS:

Part of a coordinated response to a dislocation event may include the development of an application for a National Dislocated Worker Grant (NDWG), formerly known as National Emergency Grant (NEG). Responsibilities related to this activity include gathering demographics for National Dislocated Worker Grant proposals and providing company and layoff information for the development of the grant application. During group or individual meetings, workers may be assessed to determine skill levels, occupations, wages and length of service with the company. The data collected may be used to inform a NDWG application. As part of the NDWG application process, Rapid Response will collaborate with the relevant local Workforce Boards and One-Stop Career Centers to develop the plan to address the dislocation event.

All Rapid Response activities must be in compliance with all relevant state and federal information confidentiality requirements Information including submission of a signed Confidentiality Agreement Form.