



Workforce Innovation and Opportunity Act Policy
Employment System Administration and Policy

Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, Employment System Administration and Policy sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

Policy Number: 5603

To: Washington WorkSource System

Effective Date: July 1, 2015

Subject: Rapid Response under Workforce Innovation and Opportunity Act (WIOA) and Trade Adjustment Assistance (TAA) Act

1. **Purpose:**

The primary purposes of this policy is to:

1. Clarify the roles and responsibilities of the State Rapid Response Unit and local Workforce Development Boards relative to the delivery of rapid response services; and
2. Identify topics that must be addressed at rapid response layoff orientations (Attachment A).

2. **Background:**

The Workforce Innovation and Opportunity Act (WIOA) requires states to implement statewide rapid response activities to assist employers and impacted workers as quickly as possible following the announcement of a permanent closure, mass layoff, or natural or other disaster resulting in a mass job dislocation.

Two major events trigger initial rapid response activity by the state's Rapid Response Unit:

1. The filing of a Worker Adjustment and Retraining Notification Act (WARN) notice. WARN (Public Law 100-379) is intended to offer protection to workers, their families, and communities by providing notice at least 60 days in advance of *covered* plant closings and *covered* mass layoffs (*covered* refers to employers with 100 or more full-time employees). Notice must be

provided to affected workers or their representatives, local government, and the State Rapid Response Unit. 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 Adjustment Assistance Act. The filing of a TAA petition requires the State Rapid Response Unit to ensure that rapid response assistance and appropriate career services are made available to workers covered by the petition. If the TAA petition is certified by the U.S. Department of Labor (DOL), eligible workers are entitled to additional benefits and training opportunities to assist their return to suitable employment.

Rapid response may also be triggered when an employer voluntarily notifies the State Rapid Response Unit or local partners of an impending event or the State Rapid Response Unit becomes aware of an event through public notices or other sources.

The State Rapid Response Unit coordinates (as appropriate) and supports the rapid response activities provided locally by Workforce Development Boards (WDBs). The State Rapid Response Unit 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 Rapid Response Unit is the first point of contact for employers for major dislocation events, including WARN and TAA petition notification. The State Rapid Response Unit responds to dislocation events by establishing communication with WDBs and other rapid response partners, initially by telephone or e-mail. From the initial information available, the State Rapid Response Unit works with WDBs and other partners to determine the immediate needs of workers and employer to establish appropriate “first steps” in responding as a workforce system and then formulate strategies for planning and carrying out rapid response.

Suggested rapid response partners include:

- State Rapid Response Unit
- Local Workforce Development Boards
- WorkSource Centers
- Unemployment Insurance Division
- Organized labor and/or Washington State Labor Council, AFL-CIO when the workforce is union represented
- Community and technical colleges
- Other system partners and stakeholders as determined appropriate locally

3. **Policy:**

This policy sets forth the roles and responsibilities of the State Rapid Response Unit and Workforce Development Boards (WDBs) relative to the delivery of rapid response activities under the Workforce Innovation and Opportunity Act and Trade Adjustment Assistance Act.

This policy ensures the State Rapid Response Unit, WDBs, 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. Local rapid response teams must consult with appropriate labor representatives when WIOA programs will serve union members.

Roles and Responsibilities

State Rapid Response Unit:

To ensure the effective delivery of rapid response services, the State Rapid Response Unit 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. The State Rapid Response Unit is responsible for the following rapid response activities:

- A. Maintain administrative policies and procedures that support rapid response assistance.
- B. Develop and operate a rapid response communications strategy among ESD divisions, labor organizations, WDBs, and, through those entities, WorkSource partner organizations, including community and technical colleges. The following describes the communication strategy:

When the State Rapid Response Unit receives a WARN or TAA petition or learns about a substantial layoff or closure event, it will immediately notify the WDB-designated local rapid response contact (and state partners as necessary) to discuss the event status. Notice of the WARN and/or Trade Act petition will be sent to WDBs and their designated local rapid response

contacts, WorkSource, UI Claims Center, Reemployment Support Center (when applicable) and the Washington State Labor Council.

The State Rapid Response Unit and WDB-designated local rapid response contacts (called local rapid response contacts) will discuss the event and begin formulating strategies for carrying out rapid response activities. In most cases, the State Rapid Response Unit will make the initial contact with the business and introduce rapid response services.

- C. In conjunction with the local rapid response contact, 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 TAA related events.
- D. Together with the local rapid response contact, plan for on-site assistance for WARN and TAA-related events with the employer, labor organization, or representatives of the affected workers.
- E. Coordinate and facilitate the delivery of rapid response layoff orientations for affected workers in conjunction with the WDC and local rapid response team. Required topics for rapid response layoff orientation are described in Attachment A.
- F. Notify WDBs and local rapid response contacts, ESD Regional Directors and WorkSource Administrators, UI Claims Center, and the Washington State Labor Council when a TAA petition is approved by DOL. Arrange for the appropriate TAA orientation in conjunction with the ESD's Workforce and Career Development Division (WCDD), which includes the Trade Readjustment Allowance (TRA) Unit, WorkSource centers, and local rapid response contacts.
- G. Upon request, provide local WDCs with assistance for layoffs or closures that do not meet the WARN threshold or are not TAA related.
- H. Promote labor management or workforce transition committees for layoffs and closures. The State Rapid Response Unit will provide technical assistance for establishing committees and provide funding for their operations when needed.
- I. When appropriate, assist in planning and overseeing program strategies for layoff aversions.

- J. Assist WDBs in coordinating rapid response services with other available resources, such as National Dislocated Worker Grants (NDWG) and/or Trade Act funds.
- K. Assist WDBs in the development of NDWG applications and provide a state review of NDWG applications that are to be submitted to DOL.

Local Workforce Development Boards:

Workforce Development Boards (WDBs) are responsible for coordinating the provision of rapid response services at the local level. To ensure the effective delivery of rapid response services, each WDB is responsible for the following:

- A. Establishing and maintaining a local rapid response team. Members of the team may include representatives from WDBs, UI Claims Centers, WorkSource centers, labor organizations and/or Washington State Labor Council (when the workforce is union represented), community and technical colleges, and other stakeholders and interested parties.
- B. Identifying a rapid response contact to coordinate with the State Rapid Response Unit. A rapid response contact may be WDB administrative staff or designated local rapid response team member.
- C. Planning assistance for dislocation events. Where feasible, rapid response assistance should be conducted on-site. Local rapid response teams, in conjunction with the State Rapid Response Unit and WDBs, provide rapid response activities.

Rapid response assistance generally includes the following activities:

1. Consulting with the State Rapid Response Unit, state and local economic development organizations, and other entities to avert potential layoffs.
2. Determining proposed layoff schedule and what employer plans are to assist the dislocated workers, including the status of any collective bargaining negotiations affecting layoff benefits.
3. Ascertaining and providing the State Rapid Response Unit with information related to severance, separation pay, retirement incentives, and voluntary layoffs so the Unemployment Insurance (UI) Division can review and determine UI eligibility.
4. Coordinating the delivery of rapid response layoff orientations for affected workers in conjunction with the State Rapid Response Unit. Required topics for rapid response layoff orientations are described in Attachment A. Local rapid response contacts will arrange for participation by local service providers in these sessions.
5. Assessing the needs of the impacted workers as quickly as possible through the use of surveys. A survey is an important tool to determine an affected

worker's skills and education and identifying potential assistance needs. Additionally, DOL requires survey results for National Dislocated Worker Grant (NDWG) applications.

6. Maintaining an inventory of available workforce resources for on-site meetings to address the short and long-term assistance needs of the impacted workers.
7. Determining the need for and promoting 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.
8. Determining the need for peer worker outreach to connect dislocated workers with services in conjunction with the labor management committee or its equivalent.
9. Consulting and coordinating with appropriate labor representatives when planning rapid response activities for those impacted workers covered by a collective bargaining agreement.
10. Ensuring procedures are in place for the timely access and referral to WorkSource programs, services and information offered by WIOA, UI, TAA, Wagner-Peyser and other programs.

When a WDB, local rapid response team, or local partner becomes aware of a substantial layoff or closure event, it will notify the State Rapid Response Unit. The State Rapid Response Unit and local rapid response contact will discuss the event and begin formulating strategies for carrying out rapid response activities.

When a WDB, local rapid response team, or local partner becomes aware of a layoff or closure event that does not meet the WARN threshold or is not TAA related, it will initiate rapid response per its local operational plan.

When rapid response activities are near completion, the local rapid response team should notify and coordinate with the appropriate one-stop operator(s). This enables local sites to assume responsibility for service delivery to those dislocated by layoffs or closures who are interested in accessing career services, training services, supportive services, and other relevant services.

Shared Responsibilities of Workforce Development Boards and the State Rapid Response Unit

The State Rapid Response Unit, WDBs, local rapid response teams, and local service providers must be fully cognizant of ongoing collective bargaining negotiations related to a plant closure or layoff event. Rapid response teams must be cautious and avoid any actions that might impact those negotiations. They must be aware of the impact that the offer of services and resources may have on the negotiation process, especially with respect to financial

arrangements related to the provision of severance benefits. Rapid response teams must consult with appropriate labor representatives when WIOA programs will serve union-represented employees.

4. Definitions:

None.

5. References:

- WIOA Section 3(51)
- WIOA Section 134(a)(2)(A)
- Proposed 20 CFR 682.300, 682.310, 682.320, 682.330, 682.340, 682.350, 682.360, and 682.370
- Trade and Globalization Adjustment Assistance Act 2009;
- Section 112(a) and 20 CFR Part 639, the Worker Adjustment and Retraining Notification (WARN) Act and Final Rule

6. Supersedes:

N/A

7. Website:

http://www.wa.gov/esd/1stop/policies/wioa_title1.htm

8. Action:

Local Workforce Development Boards and their contractors, as well as Employment Security Regional Directors, should distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

Attachment A – Rapid Response Layoff Orientation Required Topics

Direct Inquiries To:

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Attachment A - Rapid Response Layoff Event/Orientation Required Topics

Rapid response layoff orientations are informational sessions for impacted employees where they can learn about one-stop services and resources available to them. These orientations are conducted by local rapid response teams and are generally held at the employment site prior to a layoff. In order to ensure that consistent information is provided to impacted workers, the following information, at a minimum, must be provided at rapid response layoff orientations:

- Unemployment Insurance
- Training Benefits program
- Commissioner Approved Training
- WorkSource labor exchange services
- WIOA Title I Dislocated Worker services
- Community and technical college resources
- Local WorkSource partner contact names and phone numbers