

RAPID RESPONSE & LAYOFF AVERSION

PURPOSE

The primary purpose of Rapid Response (which includes layoff aversion activities) is to enable affected workers to return to work as quickly as possible following a layoff, or to prevent layoffs altogether. To accomplish this, Workforce Alliance of the North Bay (WANB) and its Subcontractors must be coordinated, comprehensive, and proactive in communicating with business. This includes providing labor market and workforce information, integrating industry requirements into training strategies and career pathways, brokering relationships and job connections, making services efficient and easy to access. Relationships must be built with employers, labor organizations, workforce and economic development agencies, training institutions, service providers, community-based organizations and other appropriate entities. These relationships provide timely information and help to assure an early warning system is in place to allow a timely and effective response to potential layoffs and business closures.

SCOPE

Workforce Innovation and Opportunity Act (WIOA) Title I Providers

RESPONSIBLE PARTY

Workforce Alliance of the North Bay
Regional Workforce Development Board

REFERENCES

- WIOA (Public Law 113-128) Sections 3(15) and (51), 107(d)(4), and 134(a)(2)(A)
- Title 20 *Code of Federal Regulations* (CFR) WIOA Notice of Proposed Rule Making (NPRM) Section 682.300-340
- [Training and Employment Guidance Letter \(TEGL\) 03-15](#), Subject: *Operating Guidance for WIOA* (July 1, 2015)
- [Training and Employment Notice \(TEN\) 09-12](#), Subject: *Layoff Aversion in Rapid Response Systems* (August 31, 2012)
- [TEN 31-11](#), Subject: *The Rapid Response Framework* (March 1, 2012)
- [TEN 32-11](#), Subject: *Rapid Response Self-Assessment Tool* (March 1, 2012)
- [TEN 03-10](#), Subject: *The National Rapid Response Initiative* (August 9, 2010)
- California Labor Code Sections [1400-1408](#)
- [California's Strategic Workforce Development Plan: 2013-2017](#), *Shared Strategy for a Shared Prosperity*
- [Workforce Services Directive WSD15-23](#) Subject: *Transfer of Funds – WIOA Adult/Dislocated Worker Programs* (March 29, 2016)

- [WSD15-19](#) Subject: *Revised Amendment to PY 2015-16 RR Allocations and Guidance on Use of these Funds for WIOA Transition Activities* (March 14, 2016)
- [WSD13-1](#) Subject: *Authorization to Work Verification Requirements* (July 2, 2013)
- [WSD12-3](#) Subject: *Quarterly and Monthly Financial Reporting Requirements* (July 18, 2012)
- [Workforce Investment Act Directive WIAD05-18](#) Subject: *Dislocated Worker 25 Percent Funding Policy* (June 14, 2006)
- [WIAD04-22](#) Subject: *State Required Surveys of Dislocated Workers* (June 15, 2005)
- [WIAD02-9](#) Subject: *Worker Displacement Prohibition* (November 22, 2002)
- [Workforce Services Information Notice WSIN15-21](#) Subject: *Implementation of the CalJOBS Customer Relations Management Module* (December 30, 2015)

DOCUMENTS

- Categorization of Rapid Response Activities
- Dislocated Worker Survey
- Employer RR Questionnaire
- Rapid Response 121 Report Line Item Instructions & Form
- Rapid Response 122 Report Line Item Instructions & Form
- Rapid Response Check Off List

DEFINITIONS

Business Cycle – A business cycle is identified as a sequence of four phases:

Contraction – A slowdown in the pace of economic activity

Trough – The lower turning point of a business cycle, where a contraction turns into an expansion

Expansion – A speedup in the pace of economic activity

Peak – The upper turning of a business cycle

Customer Relationship Management Module (CRM) – The CRM is a CalJOBSSM based tool, supported by the Employment Development Department (EDD), which allows Local Boards and their partners who have access to the CalJOBS system to record, track and report a variety of business engagement activities at the individual company level.

Economic Development – The International Economic Development Council defines economic development as a program, group of policies, or activity that seeks to improve the economic well-being and quality of life for a community, by creating and/or retaining jobs that facilitate growth and provide a stable tax base. For a good resource, see the California Association of Local Economic Development and the Governor's Office of Business and Economic Development.



Employer Contact (Rapid Response 121 Report) – A visit to an employer by staff for the purposes of conducting Rapid Response activities. This visit may be in person, by telephone or through the use of other interactive technology. This is a cumulative report.

Employer Contact (122 Report) – This form is used only to report the development, implementation and completion of a business solution strategy(s) relating to and resulting in job retention at the current place of employment and the rapid re-employment (talent transfer) of affected workers. This is a cumulative report.

Employment Training Panel (ETP) – The ETP provides incumbent worker training funding to employers to assist in upgrading the skills of their workers through training that leads to good paying, long-term jobs. The ETP is a funding agency, not a training agency. Businesses determine their own training needs and how to provide training. ETP staff is available to assist in applying for funds and other aspects of participation.

Incumbent Worker – An employee of a business applying for incumbent worker training funds to up-skill and/or retrain in accordance with the WIOA.

Incumbent Worker Training – Developed with an employer or employer association to upgrade skills of a particular workforce. The employer agrees to retain the trained worker(s) upon completion of the training. Frequently, such training is part of an economic development or layoff aversion strategy.

Jobs Retained – A layoff is averted when (1) a worker's job is retained with the current employer that is at risk of downsizing or closing, or (2) when a worker at risk of dislocation transitions to a different job with the same employer.

Layoff Aversion – The process of using a series of activities, studies, and networks to examine a business or sector's cycle, organizational conditions, markets, and broad community relationships etc., in an effort to determine workforce and economic solutions that can mitigate job loss or save jobs.

Manufacturing Extension Partnership (MEP) – The National Institute of Standards and Technology's Hollings MEP works with small and mid-sized U.S. manufacturers to help them create and retain jobs, increase profits, and save time and money. The MEP also works with partners at the state and federal levels on programs that put manufacturers in position to develop new customers, expand into new markets and create new products.

Rapid Re-Employment (Talent Transfer) – A laid off worker is hired by a different employer and experiences short term unemployment (45 calendar days or less). To qualify for this activity, a confirmed job offer must be on file from the hiring employer and issued within 45 days of the date the participant becomes unemployed.

Rapid Response Packet – Informational brochures and flyers shared at the RR event representing the various resources that will meet the needs of the dislocated workers. Examples of what could be included, based on the worker's needs; EDD brochures and information, Department of Labor Cobra information, brochures and flyers on AJCC services and resources, TANF, Medi-Cal and food resources, other AJCC Partner resources and the RR worker survey.

Small Business Development Centers of California (SBDC) – The SBDCs provide training and no-cost one-on-one counseling to help small businesses and entrepreneurs overcome obstacles to growth. Topics range from: start-up assistance, planning for growth and expansion, technology and innovation and access to capital.



Work Sharing Program/Short Term Compensation – Work Sharing is described in Section 1279.5 of the California Unemployment Insurance Code and provides employers with an alternative to layoffs and provides their employees with the payment of reduced Unemployment Insurance benefits. Note: This activity is considered a job saved/retained as this strategy does minimize the impact on the Unemployment Insurance fund and should be reported on the Layoff Aversion Form 122.

POLICY

I. Rapid Response Services

Rapid Response (RR) services are a required activity outlined in the yearly WIOA WANB Contract for Service Provision with all America's Job Center of CaliforniaSM (AJCC) locations and the WIOA. Requirements include:

- A. The AJCC must provide required RR services through a planned delivery of services which enable dislocated workers 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;
- B. The AJCC will provide a RR packet designed to meet the needs of the workers involved in the layoff or closure;
- C. Rapid Response coordinators are required to immediately respond or respond no more than two days after becoming aware of layoff and closure events in their area in order to provide the required activities and services;
- D. A RR team must be active in each county. The RR team must include, at a minimum; AJCC staff, EDD representatives and a WANB Business Engagement Representative (BER). The WANB BER reports all activities to the WANB Regional Rapid Response Coordinator.

II. Layoff Aversion Services

Layoff Aversion is one of several required RR activities the AJCCs must provide. A layoff aversion strategy helps employers retain a skilled workforce and/or provides workers rapid transition to new employment, minimizing periods of unemployment.

- A. The intent of layoff aversion as a business engagement strategy is to provide business solutions to companies that want to save jobs. To save jobs, a business engagement team must be able to identify an at-risk company well in advance of layoffs, get executive level commitment to work together, assess the needs of the company, and deliver solutions to address risk factors.
- B. This requires a new culture of prevention and a strong infrastructure, including clarity of roles among regional partners. It requires data collection and analysis of regional labor market and industry sector trends, early warning mechanisms that can alert of problem areas and well-trained staff with capacity to build relationships among businesses, labor organizations and civic leaders. Layoff aversion is a central component of a high-performing business engagement strategy, requiring a shared responsibility among numerous partners at the state, regional, and local levels.

III. Coordinating the Rapid Response Event



The Business Engagement Representative will:

- A. Speak with the employer and gather information using the Employer Questionnaire document.
- B. Coordinate and plan the RR event utilizing the RR Check Off List.
- C. Coordinate event location with WIOA Program provider and EDD Representative.
- D. Invite AJCC Partner's as appropriate.
- E. Document all actions in CalJOBSSM Customer Relationship Management (CRM) module noting an employer activity, using a CalJOBSSM activity code and completing a case note with details of the services provided.

IV. Reporting Requirements

- A. Rapid Response and Layoff Aversion Services are reported by the WANB Regional Rapid Response Coordinator on standardized forms. The reports are cumulative (each month's activity is added to the prior month's information) during the total report period. The report period for both the Rapid Response (RR) 121 Report and the Layoff Aversion (LOA) 122 Report is April 1 through March 31 of the following year.
- B. RR 121 and LOA 122 Report forms are submitted to the WANB administrative office on or before the 15th of the month following the report month. The completed forms (and appropriate backup documentation is to be emailed).

V. Rapid Response 121 Report

- A. A RR 121 Report must include those activities relating to employer contacts in a response to a layoff or closure. The 121 Report must be completed to report RR activity by staff when conducting on-site layoff/closure planning meetings and/or on-site layoff/closure orientations for all Worker Adjustment and Retraining Notification (WARN) and non-WARN events. Planning meetings are for information only and will not be used in the calculations of the RR funding, but still should be reported.
- B. As of October 2015 the California Workforce Development Board (WDB) is requiring that all events regardless of worker numbers impacted are reported to the State. The communication from the California WDB requires that information and resources provided must be listed in the comments section.
- C. When RR staff is invited by another Local Workforce Development Area to participate in a joint rapid response event, staff would document on the 121 form with the following instructions to complete the report:
 - 1. For the "*Number of Affected Employees*" only indicate the number of affected workers who reside in the county or Region;
 - 2. In the "Comments" section explain that it is a joint RR, give name of other local area, the total number of affected employees, and how many of the total employees reside within the county or Region.

NOTE: RR activities are not reported for an out-of-town/out-of-state employer UNLESS WANB staff participated in an on-site visit.

- D. Pursuant to WIAD04-22, State-Required Surveys of Dislocated Workers, recipients of Workforce Innovation and Opportunity Act (WIOA) 25% RR funds must conduct Dislocated Worker surveys in respect to every significant layoff event that necessitates on-site Rapid Response in their service areas. The State of California states that at a



minimum the surveys must determine the number of affected workers who express an interest in receiving WIOA funded services; the kinds of WIOA services the affected workers express an interest in receiving; and number of affected workers who are not interested in WIOA funded services and why they are not interested. Following are additional requirements for completion and retaining the surveys:

1. WANB RR teams must use the WANB standardized Dislocated Worker Survey;
2. Surveys must be completed on all Worker Adjustment and Retraining Notification (WARN) events; all non-WARN events where 10 or more workers are laid off from a single employer; and all “significant layoffs” defined as “one that affects an employee that works at least 20 hours per week in a business that employs at least 30 employees when at least 10 individuals are laid off or 30% of the employees are laid off from a single employer.”
3. Documentation of each survey must be maintained by the WANB BER and CareerPoint staff. A statement of the program action that was taken as a result of the findings of the surveys shall be reported to the BER;
4. Dislocated Worker Surveys are not submitted with the 121 Reports. Upon request these document must be available.

VI. Layoff Aversion 122 Reporting

- A. The Layoff Aversion 122 report form has been developed to capture and report business solution strategies delivered to businesses during any stage of the business cycle that relate to and result in job retention/saved and/or rapid re-employment.
- B. A 122 Report is completed for job(s) retained at an existing employer and/or a rapid re-employment(s) with a different employer. It is important that Local Areas consider and document how layoff aversion activities will result in a positive outcome before allocating resources. For completion of a Business Solution strategy, documentation of outcomes must be attached to the 122 Report that is submitted to the WANB Regional Rapid Response Coordinator and retained locally for audit purposes.

Note – The 122 form is to be used to report only business solutions completed during the reporting quarter. It is not a register of local activities. This may be accomplished on the Customer Relationship Management Module on the CalJOBSSM.

POLICY UPDATE HISTORY

December 12, 2019 – New Policy.

INQUIRIES

Questions regarding this policy can be sent to the Business Services Unit.

