(3) Encouraging other one-stop partners at local level to cooperate in timely provision of data, survey
responses and site visits as listed in paragraphs (d)(1)(i) through (iv) of this section; and

(3) If a State determines that timely
cooperation in data provision as described in paragraph (d)(1) of this section is not practicable, the Governor
must inform the Secretary in writing and explain the reasons why it is not practicable. In such circumstances, the
State must cooperate with the Department in developing a plan or
strategy to mitigate or overcome the problems preventing timely provision of
data, survey responses, and site visits.

(a) In fulfilling the requirements
under paragraphs (a) through (c) of this
section, States are permitted, but not
required, to:

(1) Conduct evaluations that jointly
take common interest core program activities and
services, as determined through the processes associated with
paragraph (b)(1) of this section; and

(2) Conduct any type of evaluation
similar to those authorized for, or
conducted by, the Department of Labor
or the Department of Education under
the laws cited in paragraph (b)(4) of this
section, including process and outcomes
studies, pilot and demonstration projects that have an evaluative
component, analyses of administrative and programmatic data, impact
and benefit-cost analyses, and use of
rigorous designs to test the efficacy of
various interventions; and

(3) Conduct evaluations over multiple
program years, involving multiple
phases and such tasks and activities as
necessary for an evaluation, such as a
literature or evidence review, feasibility
study, planning, research, coordination,
design, data collection, analysis, and
report preparation, clearance, and
dissemination.

(f) In funding evaluations conducted
under paragraph (a) of this section,
States are permitted, but not required to:

(1) Use funds from any WIOA title I—IV
core program to conduct evaluations, as determined through the processes
associated with paragraph (b)(1) of this
section; and

(2) Use or combine funds, consistent
with Federal and State law, regulation
and guidance, from other public or
private sources, to conduct evaluations
relating to activities under the WIOA
title I—IV core programs. Such projects
must include those funded by the
Department of Labor and other Federal
agencies, among other sources.

Subpart C—Rapid Response Activities

§ 682.300 What is rapid response, and
what is its purpose?

(a) Rapid response is described in
§§ 682.300 through 682.370, and
encompasses the strategies and
activities necessary to:

(1) Plan for and respond to as quickly
as possible following an event described in
§ 682.302; and

(2) Deliver services to enable
dislocated workers to transition to new
employment as quickly as possible.

(b) 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 their impact on workers,
businesses, and communities. A
successful rapid response system
includes:

(1) Informational and direct
reemployment services for workers,
including but not limited to information
and support for filing unemployment
insurance claims, information on the
impact of layoffs on health coverage or
other benefits, information on and
referral to career services,
reemployment-focused workshops and
services, and training;

(2) 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;

(3) Convening, brokering, and
facilitating the connections, networks
and partners to ensure the ability to
provide assistance to dislocated workers
and their families such as home
assistance and legal aid, and
financial advice; and

(4) Strategic planning, data gathering
and analysis designed to anticipate,
prepare for, and manage economic
change.

§ 682.305 How does the Department define
the term "mass layoff" for the purposes of
rapid response?

For the purposes of rapid response,
the term "mass layoff" used throughout
this subpart will have occurred when at
least one of the following conditions
have been met:

(a) A layoff meets the State's
definition of mass layoff, as long as the
definition does not exceed a minimum
threshold of 50 affected workers;

(b) Where a State has not defined a
minimum threshold for mass layoff,
meeting the requirements of paragraph
(a) of this section, layoffs affecting 50
or more workers; or

(c) When a Worker Adjustment and
Retraining Notification (WARN) Act
notice has been filed, regardless of the
number of workers affected by the layoff
announced.

§ 682.310 Who is responsible for carrying
out rapid response activities?

(a) Rapid response activities must be
carried out by the State or an entity
designated by the State, in conjunction
with the Local WDUs, chief elected
officials, and other stakeholders, as
provided by WIOA secs. 133(a)(2) and
134(a)(2)(A).

(b) States must establish and maintain
a rapid response unit to carry out
statewide rapid response activities and
to oversee rapid response activities
undertaken by a designated State entity,
Local WDB, or the chief elected officials
for affected local areas, as provided under

§ 682.320 What is layoff aversion, and
what are appropriate layoff aversion
strategies and activities?

(a) Layoff aversion consists of
strategies and activities, including those
provided in paragraph (b) of this section
and §§ 682.330 and 682.340, to prevent
or minimize the duration of
unemployment resulting from layoffs.

(b) Layoff aversion activities may
include:

(1) Providing assistance to employers
in managing reductions in force, which
may include early identification of firms
at risk of layoffs, assessment of the
needs of and options for at-risk firms,
and the delivery of services to address
these needs, as provided by WIOA sec.
134(d)(1)(A)(ix)(III)(cc);

(2) Ongoing engagement, partnership,
and relationship-building activities with
businesses in the community, in order
to create an environment for successful
layoff aversion efforts and to enable the
provision of assistance to dislocated
workers in obtaining reemployment as
soon as possible;

(3) Funding feasibility studies to
determine if a company's operations
may be sustained through a buyout or other means to avoid or minimize layoffs:

(4) Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff avarion strategy or activity;

(5) Connecting companies to:

(i) Short-time compensation or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available under Unemployment Insurance programs;

(ii) Employer loan programs for employee skill upgrading; and

(iii) Other Federal, State, and local resources as necessary to address other business needs that cannot be funded with resources provided under this title;

(6) Establishing linkages with economic development activities at the Federal, State, and local levels including Federal Department of Commerce programs and available State and local business retention and expansion activities;

(7) Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered;

(8) Conducting analyses of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer;

(9) Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses; and

(10) Connecting businesses and workers to short-term, on-the-job, or customized training programs and registered apprenticeships before or after layoff to help facilitate rapid reemployment.

§ 682.330 What rapid response activities are required?

Rapid response activities must include:

(a) Layoff avarion activities as described in § 682.320, as applicable.

(b) 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:

(1) Layoff plans and schedule of the employer;

(2) Background and probable assistance needs of the affected workers;

(3) Reemployment prospects for workers; and

(4) Available resources to meet the short and long-term assistance needs of the affected workers.

(c) The 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 (19 U.S.C. 2271 et seq.), Pell Grants, the GI Bill, and other resources.

(d) The 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.

(e) Partnership with the Local WDB(s) and chief elected official(s) to ensure a coordinated response to the dislocation event and, as needed, obtain access to State or local economic development assistance. Such coordinated response may include the development of an application for a national dislocated worker grant as provided under part 687 of this chapter.

(f) The provision of emergency assistance adapted to the particular layoff or disaster.

(g) As appropriate, developing systems and processes for:

(1) Identifying and gathering information for early warning of potential layoffs or opportunities for layoff avarion;

(2) Analyzing, and acting upon, data and information on dislocations and other economic activity in the State, region, or local area; and

(3) Tracking outcome and performance data and information related to the activities of the rapid response program.

(h) Developing and maintaining partnerships with other appropriate Federal, State and local agencies and officials, employer associations, technical councils, other industry business councils, labor organizations, and other public and private organizations, as applicable, in order to:

(1) Conduct strategic planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance; and

(2) Develop mechanisms for gathering and exchanging information and data relating to potential dislocations, resources available, and the customization of layoff avarion or rapid response activities, to ensure the ability to provide rapid response services as early as possible.

(i) Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed.

(j) The provision of additional assistance, as described in § 682.350, to local areas that experience disasters, mass layoffs, or other dislocation events when such events exceed the capacity of the local area to respond with existing resources as provided under WIOA sec. 134(a)(11).

(k) 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. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. The assistance to this committee may include

(1) The provision of training and technical assistance to members of the committee; and

(2) Funding the operating costs of a committee to enable it to provide advice and assistance in carrying out rapid response activities and in the design and delivery of WIOA-authorized services to affected workers.

§ 682.340 May other activities be undertaken as part of rapid response?

(a) Yes, in order to conduct layoff avarion activities, or to prepare for and respond to dislocation events, in addition to the activities required under § 682.330, a State or designated entity may devise rapid response strategies or conduct activities that are intended to address those risks, implement services, and measure impacts of services delivered.

(b) When circumstances allow, rapid response may provide guidance and/or financial assistance to establish community transition teams to assist the impacted community in organizing support for dislocated workers and in meeting the basic needs of their families, including food, shelter, clothing and other necessities and services that are beyond the resources and ability of the one-stop delivery system to provide.

§ 682.350 What is meant by "provision of additional assistance" in the Workforce Innovation and Opportunity Act?

As stated in WIOA sec. 133(a)(2), a State may reserve up to 25 percent of its allotted dislocated worker funds for rapid response activities. Once the State has reserved adequate funds for rapid response activities, such as those described in §§ 682.310, 682.320, and 682.330, any of the remaining funds reserved may be provided to local areas that experience increases on unemployment due to natural disasters, mass layoffs, or other events, for provision of direct career services to
Examples of Layoff Aversion Activities

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Examples of Layoff Aversion Activities</th>
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</table>
| **Ongoing strategic or administrative activities (regardless of proximity to layoff or potential layoff)** | • Developing, implementing, maintaining, and publicizing a state or local layoff aversion policy  
  • Creating and sustaining effective partnerships with a wide range of organizations that contribute to layoff aversion strategies  
  • Gathering data and intelligence related to economic transition trends within industries, communities, or at specific employers, and planning strategies for intervention  
  • Developing early warning networks and systems utilizing data and intelligence gathered  
  • Identifying heavily concentrated industries and sectors and related training needs in the geographic area  
  • Engaging in proactive measures such as business visitation or layoff forecasting programs to identify indicators of potential economic transition and training needs in growing industry sectors or expanding businesses  
  • Connecting employers and workers with short-term, on-the-job, and customized training and apprenticeships before or after layoff and prior to new employment |
| **More than a year prior to a potential layoff** | • Working with businesses to conduct comprehensive production cost studies with the goal of continuing cost-effective production within the United States  
  • Helping a company spin off an under-performing business unit to focus on core competencies  
  • Helping companies practice continuous improvement in processes and quality, constantly looking for opportunities for new products, customers, markets, and business models |
| **From approximately six months to one year prior to a layoff or potential layoff** | • Partnering or contracting with the Manufacturing Extension Partnership (MEP) or other business-focused organizations to assess risks to a company, propose strategies to address those risks, implement services, and measure impacts of services delivered; conducting analyses of suppliers to assess risks and vulnerabilities from potential closings of a manufacturing customer  
  • Conducting prefeasibility or company valuation |
<table>
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<tr>
<th>From approximately six months prior to, up through and following a layoff</th>
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<tr>
<td>• Partnering with MEP organizations for activities, as mentioned above</td>
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<tr>
<td>• Utilizing incumbent worker training for eligible workers based on state or local rules, including TAA</td>
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<td>• Encouraging use of Short-Time Compensation (shared work) programs in states with such programs incorporated into state Unemployment Insurance law</td>
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<tr>
<td>• Ensuring strong connections with reemployment-focused activities within a state or local area</td>
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<tr>
<td>• Holding on-site job fairs or targeted hiring events with nearby business in need of workers with similar competencies or skill sets</td>
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<tr>
<td>• Conducting talent-transfer events or holding reemployment boot camps</td>
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<tr>
<td>• Connecting to labor unions that may be able to assist in accessing skilled workers and assessing their training needs</td>
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<tr>
<td>• Linking with state or local economic development organizations to match business growth opportunities with available pools of skilled workers, including those currently dislocated or soon to be laid off</td>
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Layoff Aversion
Company Meeting Note-taking Tool

This tool is designed to allow you to ask the right questions of companies when you meet with them.

Employment & Training Administration
4/13/2017
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer(s)</th>
<th>Possible Solution(s)</th>
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<tbody>
<tr>
<td><strong>Are you experiencing a downturn in business due to competition from imports or are you shifting production to a foreign country?</strong></td>
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<td><strong>What other companies will be affected by the layoffs or the closing of the company?</strong></td>
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<tr>
<td>Question</td>
<td>Answer(s)</td>
<td>Possible Solution(s)</td>
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<td>Are the planned layoffs expected to be temporary or permanent?</td>
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<td>What is the anticipated date of the layoffs or closure?</td>
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<td>Have you contacted or worked with any other organizations in an effort to avert a layoff?</td>
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- Do you need assistance finding resources, programs, or services to help with your particular business needs?
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<tr>
<th>Question</th>
<th>Answer(s)</th>
<th>Possible Solution(s)</th>
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<tr>
<td>• Have the employees been notified of the layoff? Is this public knowledge? If not when will it be made public?</td>
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<td>• Do you have other facilities in the state that are affected at the same time or in the future?</td>
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<td>• Would you be amenable to allowing us to hold a job fair for the affected employees in order to help them locate new work?</td>
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### Demographic Questions

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<tr>
<th>Question</th>
<th>Answer(s)</th>
<th>Possible Solution(s)</th>
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<tr>
<td>• How many workers may be affected?</td>
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<tr>
<td>• Would you be amenable to allowing us to hold a job fair for the affected employees in order to help them locate new work?</td>
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<tr>
<td>• What are the job classes, titles, or competencies of the workers who may be affected?</td>
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<td>Question</td>
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<td>Possible Solution(s)</td>
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<tr>
<td>• What are some of the other demographics of the workers in your company?</td>
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<td>• Are the workers represented by a union?</td>
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Steps for RR: Layoff & Closure Events

PROCESS STEPS FOR RAPID RESPONSE

1. Notification
   - Enter event info into OhioRED with in 24 hours

2. Research

3. Initial Contact
   - Within 48 hours of Notification

4. Strategy Meeting

5. Initial Employer Meeting
   - Within 5 days of Initial Contact

6. Approved Plan for Services

7. RR Worker Orientation

8. Additional RR Services

9. Transition to OMIJ Center Services

10. Post RR Follow Up

RR WORKFORCE SURVEY

Update OhioRED throughout the entire process as additional information becomes available and/or as services are provided.