

(2) 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.

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

(1) Conduct evaluations that jointly examine title I core program activities and activities under other core programs in WIOA titles II–IV, as determined through the processes associated with paragraph (b)(1) of this section;

(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 outcome 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 may 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 impacts 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 impacts of layoff 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 heating assistance, legal aid, and financial advice; and

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

§ 682.302 Under what circumstances must rapid response services be delivered?

Rapid response must be delivered when one or more of the following circumstances occur:

(a) Announcement or notification of a permanent closure, regardless of the number of workers affected;

(b) Announcement or notification of a mass layoff as defined in § 682.305;

(c) A mass job dislocation resulting from a natural or other disaster; or

(d) The filing of a Trade Adjustment Assistance (TAA) petition.

§ 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 WDBs, 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 WIOA sec. 134(a)(2)(A)(i)(I).

§ 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)(II)(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 aversion 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 aversion 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 aversion;

(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 aversion 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)(2)(A)(i)(II).

(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 aversion 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 minimize the negative impacts of dislocation on workers, businesses, and communities and ensure rapid reemployment for workers affected by layoffs.

(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 heat, shelter, food, 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 of unemployment due to natural disasters, mass layoffs or other events, for provision of direct career services to

**“The Intervention Timeline”
Examples of Layoff Aversion Activities**

Timeframe	Examples of Layoff Aversion Activities
<p>Ongoing strategic or administrative activities (regardless of proximity to layoff or potential layoff)</p>	<ul style="list-style-type: none"> • 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
<p>More than a year prior to a potential layoff</p>	<ul style="list-style-type: none"> • 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
<p>From approximately six months to one year prior to a layoff or potential layoff</p>	<ul style="list-style-type: none"> • 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

	<p>studies to determine the possibility for employee buyouts or Employee Stock Ownership Plans (ESOPs), or more commonly, the sustainability of the company with new products, retooled production processes, or new customers and markets</p> <ul style="list-style-type: none"> • Facilitating employer loan programs for employee skill upgrading, when available • Examining alternative business ownership options through economic development partners • Utilizing Trade Adjustment Assistance (TAA) for Firms to help employers negatively affected by imports remain competitive • Leveraging Short-Time Compensation programs through Rapid Response and/or business engagement strategies
<p>From approximately six months prior to, up through and following a layoff</p>	<ul style="list-style-type: none"> • Partnering with MEP organizations for activities, as mentioned above • Utilizing incumbent worker training for eligible workers based on state or local rules, including TAA • Encouraging use of Short-Time Compensation (shared work) programs in states with such programs incorporated into state Unemployment Insurance law • Ensuring strong connections with reemployment-focused activities within a state or local area • Holding on-site job fairs or targeted hiring events with nearby business in need of workers with similar competencies or skill sets • Conducting talent-transfer events or holding reemployment boot camps • Connecting to labor unions that may be able to assist in accessing skilled workers and assessing their training needs • 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



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**

“Big-Picture” Questions

Question

- Is there anything your company needs that would allow you to stop the layoff or lessen the impact?

Answer(s)

Possible Solution(s)

Question

- Have you experienced a downturn in business due to competition from imports or are you shifting production to a foreign country?

Answer(s)

Possible Solution(s)

Question

- What other companies will be affected by the layoffs or the closing of the company?

Answer(s)

Possible Solution(s)

Question

- Are the planned layoffs expected to be temporary or permanent?

Answer(s)

Possible Solution(s)

Question

- What is the anticipated date of the layoffs or closure?

Answer(s)

Possible Solution(s)

Question

- Have you contacted or worked with any other organizations in an effort to avert a layoff?

Answer(s)

Possible Solution(s)

Question

- Do you need assistance finding resources, programs, or services to help with your particular business needs?

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Layoff-Specific Questions

Question

- Have the employees been notified of the layoff? Is this public knowledge? If not when will it be made public?

Answer(s)

Possible Solution(s)

Question

- Do you have other facilities in the state that are affected at the same time or in the future?

Answer(s)

Possible Solution(s)

Question

- Would you be amenable to allowing us to hold a job fair for the affected employees in order to help them locate new work?

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Demographic Questions

Question

- How many workers may be affected?

Answer(s)

Possible Solution(s)

Question

- Would you be amenable to allowing us to hold a job fair for the affected employees in order to help them locate new work?

Answer(s)

Possible Solution(s)

Question

- What are the job classes, titles, or competencies of the workers who may be affected?

Answer(s)

Possible Solution(s)

Question

- What are some of the other demographics of the workers in your company?

Answer(s)

Possible Solution(s)

Question

- Are the workers represented by a union?

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Question

Answer(s)

Possible Solution(s)

Steps for RR: Layoff & Closure Events

PROCESS STEPS FOR RAPID RESPONSE

