

DAVID Y. IGE
GOVERNOR
JOSH GREEN
LIEUTENANT GOVERNOR



LESLIE WILKINS
CHAIRPERSON
ALLICYN C.H. TAsAKA
EXECUTIVE DIRECTOR

STATE OF HAWAII
WORKFORCE DEVELOPMENT COUNCIL
830 Punchbowl Street, Suite 417, Honolulu, Hawaii 96813
Phone: (808) 586-8630 Web: <http://labor.hawaii.gov/wdc/>

(SN 31)

WIOA BULLETIN NO. 31-19

DATE: July 3, 2019

TO: WIOA Partners

SUBJECT: Statewide Rapid Response/Layoff Aversion Policies and Procedures

SUPERCEDES: WIOA BULLETIN NO. 24-18, issued August 10, 2018

BACKGROUND

Rapid response teams operate out of local area American Job Centers (AJCs). Team members coordinate with state and county workforce development agencies, Workforce Innovation and Opportunity Act (WIOA) partners and community partners to deliver services that help dislocated workers transition to new employment as quickly as possible. Teams also administer programs and services that support businesses in all phases of their business cycles. Rapid response teams coordinate activities or work jointly with the business services teams at the AJCs.

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.

Effective Teams meet the varied needs of employees and employers during difficult times. Businesses may not want to accept rapid response assistance when offered. The challenge is to demonstrate that it's in their best interest to implement rapid response and layoff aversion strategies.

A critical step in coordinating rapid response activity and gaining acceptance from businesses is developing comprehensive outreach and messaging strategies designed to tell a story, "10 Rapid Response Quality Principles,"¹ (Attachment I) developed by Oregon's Dislocated Worker Unit suggests key principles that rapid response teams may want to adopt.

¹ <https://www.oregon.gov/highered/institutions.../Rapid-Response-Desk-Aid.docx>

Rapid response activities are more than single on-site visits to employers in response to the filing of a Worker Adjustment and Retraining Notification (WARN), or single responses to news of a business experiencing trouble. Rapid response activities are also transitional management services that allow the workforce development network to remain relevant across the entire business cycle and may be delivered by the business services team.

Local Workforce Development Board (WDBs) will implement rapid response activities in accordance with guidance provided in Training and Guidance Letter (TEGL)16-16 One-Stop Operations Guidance for the American Job Center Network, January 18, 2017; WIOA Section 134(c)(2)(A), and 20 CFR 682 Subpart C–Rapid Response Activities.

Statewide Rapid Response/Layoff Aversion Policies and Procedures

I. RAPID RESPONSE SERVICES

A successful rapid response system includes (20 CFR §682.300):

- Informational and direct reemployment services for workers, including but not limited to information and other 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;
- 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;
- 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
- Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.

Required rapid response activities include (20 CFR §682.330):

- Layoff aversion activities as described in 20 CFR §682.320;
- 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:
 - layoff plans and schedule of the employer;
 - background and probable assistance needs of the affected workers;
 - reemployment prospects for workers;
 - available resources to meet the short and long-term assistance needs of the affected workers;
- 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 Trade Adjustment Assistance (TAA) program, Pell Grants, the GI Bill, and other resources;
- 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;
- Partnership with the LWDB and the Office of the Mayor to ensure a coordinated response to the dislocation event and as needed obtain access to State or local economic development assistance;
- Provision of emergency assistance adapted to the layoff or disaster;
- Develop systems and processes for identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion; for analyzing, and acting upon data and information on dislocations and other economic activity in the State, region, or local area;
- Developing and maintaining partnerships with other Federal, State and local agencies and officials, employer associations, industry business councils, labor organizations and other public and private organizations to:
 - conduct strategic planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance; and
 - 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.

A. Coordination and Delivery of Rapid Response Services

1. Local Rapid Response Teams

Designated rapid response teams operate out of local AJCs to plan and conduct activities and services. Effective teams will have a wide range of expertise and

working knowledge of Hawaii's business environment and the local community and will collaborate and work jointly with the AJC's business services team.

a. **Rapid Response Team Composition**

The local team shall include at least two (2) representatives from the local AJC, including a designated Team Leader and a member of the local business services team. A local WDB member and certified financial planner are also recommended.

b. **Rapid Response Team Leader Responsibilities are to:**

- i. collaborate with the Statewide Rapid Response Coordinator (Coordinator) to plan and deliver rapid response activities;
- ii. collaborate with co-located WIOA partners to cross-train team members for the purposes of co-enrolling dislocated workers into programs for which they are eligible;
- iii. coordinate mandatory and core partners and other relevant service providers in the delivery of rapid response services;
- iv. gain commitment from at least one company manager to attend the scheduled session. The manager should be familiar with the company's policies, employee demographics, benefits, severance packages, and separation details, and be able to answer company-specific questions;
- v. know their county language assistance policies and provide language assistance services and special accommodations as needed;
- vi. ensure that outreach and educational materials are up-to-date and ready for distribution;
- vii. prepare session agenda;
- viii. ensure that participant data is entered in HireNet Hawaii; and
- ix. submit the *Rapid Response Event Summary Report* (Attachment 2) to the Workforce Development Council (WDC) within three (3) business days of a completed session.

2. Responding to Layoff Notifications

Rapid response activities are triggered by receipt of a Worker Adjustment and Retraining Notification² (WARN) or through other sources, such as media reports, employees, or labor unions.

- a. After confirming a dislocation event and/or WARN details, the WDC will contact the employer and inform the designated local rapid response Team Leader using the *WARN/Layoff Report to Local Rapid Response Teams*,

²WARN Act Regulations are found in Hawaii Revised Statutes (HRS) §394B and Hawaii Administrative Rules §12-506.

(Attachment 3).

- b. If the business chooses to accept rapid response assistance, WDC will send a survey for distribution to impacted employees. Businesses will be asked to return the surveys to WDC within seven (7) business days. Completed surveys will be forwarded to the Team Leader.
- c. Team Leaders will use the employee responses to coordinate delivery of services with rapid response partners: Unemployment Insurance Unit, the Wagner-Peyser provider, Trade Adjustment Assistance (TAA) representatives, Division of Vocational Rehabilitation, business outreach specialists, local business and industry groups, the university and community college system, the Small Business Administration, mental health counselors, economic development agencies, community and faith-based organizations, migrant farmer programs, libraries, Chambers of Commerce, and private outplacement firms.
- d. Rapid response sessions should be conducted no earlier than two (2) weeks prior to the announced layoff date and at a time and place that is convenient for the business and its dislocated employees. In some cases, the team may need to schedule multiple sessions to reach all shift-employees and those who work in different locations.

3. Session Agenda and Content

Some participants may feel overwhelmed by the amount of information presented during a rapid response session. Team members should focus on how to deliver information so that it is heard, understood, and ultimately inspires action.

The session agenda should be included in the information folders that have been prepared for participants. On average, rapid response sessions run about two hours and include but are not limited to:

- a review of the agenda;
- an introduction of the presenters and team members;
- explanation of rapid response activity and its goal of rapid re-employment;
- a “Thank You” for filling out Dislocated Worker Survey—the responses helped the rapid response team plan the session;
- a review of HireNet Hawaii—the primary tool for accessing AJC re-employment programs and services, and for claiming unemployment benefits;
- a review of unemployment insurance benefits—how to file for and maintain weekly benefits; (information provided either by Unemployment Insurance staff member or embedded YouTube video);

- AJC resources, programs and services;
- time for questions and answers;
- time for on-site HireNet Hawaii registration; and
- time to schedule participant follow-up appointments at the AJC.

4. Session Sign-in Sheet

A blank sign-in sheet is available for download at: <http://labor.hawaii.gov/wdc/rapid-response-resources-for-workforce-development-professionals/>.

For data entry purposes, collect the following information from each session participant:

- a. first and last name;
- b. address; city; state; zip code;
- c. email address;
- d. phone number; and
- e. veteran status.

5. Session Evaluation

At the end of every rapid response session, an employee satisfaction survey will be distributed to each attendee and an employer satisfaction survey will be given to the business owner/manager who attended. Both documents are available at: <http://labor.hawaii.gov/wdc/wia-docs/>. The team is responsible for collecting all the surveys before leaving the property.

6. On-site Registration on HireNet Hawaii and Unemployment Insurance

Rapid response laptop computers and wifi hotspots should be made available during the sessions to facilitate dislocated worker registration on HireNet Hawaii and to access the Unemployment Insurance website.

No later than three (3) business days following a completed rapid response session, participant data and session feedback should be entered into HireNet Hawaii, along with any other relevant data collected. Team members shall tag each participant case file with an assigned event code.

7. Eligibility

Employers undergoing mass layoffs and facility closures, and employees or contractors of companies facing layoffs, are eligible for rapid response services as defined by WIOA Section 3(15).

8. Individual Participant Data and Rapid Response Codes

WDC will create and assign a unique HireNet Hawaii code for each rapid response session and will convey that code to the Team Leader prior to a scheduled event.

To add and search rapid response codes in HireNet Hawaii:

- On the Participant application → Employment tab.
- Attended a rapid response orientation: Yes.
- Most recent date attended rapid response service: Use session date.
- Rapid response event number: Click on "Find RR Event" and search by "Identification Number" using the provided rapid response code.

9. Rapid Response Event Summary Report

No later than three (3) business days following a completed rapid response session, an event summary must be submitted to the WDC using Attachment 2, *Rapid Response Event Summary Report*.

B. BUSINESS OUTREACH / IDENTIFYING RAPID RESPONSE PROSPECTS

There are many publications and industry resources to help identify businesses that may benefit from rapid response and layoff aversion strategies. Rapid response teams and business services teams and AJC partners are encouraged to explore and monitor the resources below:

- Local Resources: *Pacific Business News, Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Garden Isle*, Initial Unemployment Insurance Claims, Monthly Labor Market Information (LMI), WARN Layoff Reports and rapid response quarterly and annual reports;
- National Resources: Market Place Podcast, *Wall Street Journal, USA News, Dun & Bradstreet* for information on commercial credit as well as reports on businesses, Google searches and alerts for key terms "layoffs," "job loss," "WARN", and others;
- Trade association publications; and
- Trade Adjustment Assistance Petition Determinations located on the USDOL website.

C. Developing and Maintaining Partnerships

Partnerships strengthen accountability, communication, professional development, and provide timely access to needed services. Effective rapid response teams and their networks of community partners deliver in-person services to impacted individuals and groups. A virtual/online session may be arranged upon request from the impacted business.

Active participation and cooperation by unions and other worker representatives also contribute to greater levels of acceptance, trust, and utilization of services. If a union is involved, the WDC will contact a representative to confirm the layoff details and to offer rapid response services. If services are accepted, the union and the local Team Leader will coordinate state, county, and community resources, and establish a logical sequence of activities to assist dislocated workers in successful re-employment.

II. Layoff Aversion

Identifying workforce challenges and offering effective solutions are working practices that can be implemented during any point in a business cycle. “Recognizing Workforce Opportunity Chart,” (Attachment 4) illustrates recommended strategies and services during the expansion and contraction of business cycles.

A key role of rapid response and business engagement teams, and members of the LWDBs is to engage area businesses and employers to identify and implement appropriate layoff aversion strategies.

Implementing layoff aversion strategies require wide-ranging partnerships, effective data collection, early warning systems, and substantial strategic planning. The benefits derived from preventing layoffs or minimizing the duration of unemployment are undeniable. Layoff aversion saves jobs, increases economic productivity, decreases the negative impacts of unemployment, and ensures more resources are available to provide comprehensive services to individuals with the greatest needs.

Incorporating layoff aversion into rapid response infrastructure requires a team philosophy that embraces prevention, and a work environment that promotes, seeks, and generates opportunities to avert layoffs. Rapid response teams must be well-trained and knowledgeable, and able to offer a range of solutions and possibilities.

The most important partner in any effective layoff aversion effort is a willing and engaged employer. The benefits of strong employer engagement are felt throughout the community. They include:

- For employers—retaining a known and reliable worker can save costs

associated with severance, recruiting, training, and orienting a new employee, prevent increases to their unemployment tax rates, and mitigate intangible costs such as avoiding a plunge in post-layoff morale among remaining workers;

- For workers—retaining an existing job or quickly transitioning to a new one maintains financial stability and allows workers to continue building experience with fewer gaps in employment;
- For state and local workforce areas—averting layoffs demonstrates critical value within a transitioning economy and provides support to economic development; and
- For communities—averting layoffs is far less disruptive and costly than providing food, health care, and other emergency services to financially strained residents. Layoff aversion also minimizes the loss of revenues from lower spending, and even the loss of property taxes associated with high home foreclosure rates that may result from dislocation.

Layoff aversion activities are outlined in 20 CFR §682.320 and described as “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 re-employment as soon as possible.” They include:

- Providing assistance to employers in managing reductions in force, early identification of firms at risk of layoffs, assessment of the needs of an option for at-risk firms;
- Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion activities;
- Funding feasibility studies to determine if a company’s operations may be sustained through a buyout or other means to avoid or minimize layoffs;
- Developing, funding, and managing incumbent worker training programs or other upskilling approaches as part of a layoff aversion strategy or activity; and
- Connecting companies to: short-time compensation or other programs designed to prevent layoffs or to reemploy quickly under the Unemployment Insurance programs; other State and Federal programs to address other business needs not funded under WIOA Title I.

Incumbent worker training, workshare and collaboration with AJC business engagement teams are recommended and established working practices. Other

proven practices include recruiting local business owners and LWDB members to serve as rapid response team members. Effective engagement strategies may include but are not limited to offering customized hiring for the impacted employees and earlier identification of grant funds to serve the employees being separated.

While layoff aversion strategies and activities are required, not all layoff strategies or activities make sense all the time. “The Intervention Timeline³,” (Attachment 5) which aligns layoff aversion activities to time periods before and after layoffs.

III. CONCLUSION

Rapid response activity is NOT a single on-site visit to employers in response to the filing of a WARN or other sources of layoff information. Instead, rapid response is a transitional management service that allows the workforce system to remain competitive and relevant across the entire businesses cycle. Other key points to remember about rapid response and layoff aversion strategies are:

- No single rapid response event is the same. A creative and out-of-the-box approach may be more beneficial than a one-size-fits-all approach;
- Rapid response is about business engagement and accelerated re-employment;
- Workforce development agencies and community partners deliver services that help dislocated workers transition to new employment as quickly as possible; and
- Layoff aversion is a proven early-intervention rapid response strategy that benefits businesses, employees, and their communities.

INQUIRIES

Direct rapid response inquiries to Kayla Rosenfeld, Statewide Rapid Response Coordinator, at kayla.c.rosenfeld@hawaii.gov or (808) 586-9283.

ATTACHMENTS

- Attachment 1: The Primary Principles of Delivering Rapid Response Services
- Attachment 2: Rapid Response Event Summary Report
- Attachment 3: WARN/Layoff Report from WDC to Local Rapid Response Teams

³ <https://businessengagement.workforcegps.org/resources/2017/04/14/14/26/The-Intervention-Timeline>

- Attachment 4: Recognizing Workforce Opportunity Chart
- Attachment 5: The Intervention Timeline

REFERENCES

- Business Engagement Collaborative: <https://businessengagement.workforcegps.org>
- WIOA Section 134(c)(2)(A), and 20 CFR 682 Subpart C—Rapid Response Activities
- 20 CFR §682.300 – 682.370: Rapid Response Activities
- 20 CFR §678.435: Business Services Provided Through the One-Stop Delivery System
- TEGL 31-11: Rapid Response Framework
- TEGL 32-11: Rapid Response Self-Assessment Tool
- TEGL 16-16: One-Stop Operating Guidance for The Workforce Innovation and Opportunity Act
- TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA and for Implementation of the WIOA Final Rules
- HRS §394B: Dislocated Workers
- HAR §12-506: Plant Closing Notification and Dislocated Workers



Allicyn C.H. Tasaka
Executive Director

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