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Standard Operating Procedure (SOP) Manual for Rapid Response in the State of Hawaii

**State of Hawaii Workforce Development Council,
Department of Labor and Industrial Relations**

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A. Purpose

The purpose of this Standard Operating Procedure (SOP) manual is to ensure that the Local Workforce Development Boards and the American Job Centers across the State of Hawaii carry out rapid response transition assistance activities in a timely and consistent manner.

B. Scope and Applicability

The scope of this SOP manual covers the engagement of AJC staff and relevant partners with an employer on transition assistance for employees who are being laid off and need to find new jobs. The procedure in this manual applies in response to a formal notice by an employer or a report from the news media or some other source that an employer is closing its business. To be able to respond effectively, the Workforce Development Council (WDC) has developed the procedure to engage with the employer in providing rapid response transition assistance activities to assist employees affected by the closing.

C. Summary of Procedure

This procedure covers all of the steps from a notice of closing to the filing of a summary report. The central activity in rapid response transition assistance is to conduct sessions in partnership with the employer that is closing operations. Procedural steps describe the planning, organization, and execution of those sessions. The business process flowchart in Appendix A1 shows the complete workflow of rapid response.

D. Legal Authorities

- a. **Worker Adjustment and Retraining Notification Act of 1988 (WARN), Public Law 100-379 (29 USC 2102)**
- b. **Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128 (29 USC 3174)**
- c. **WIOA Section 134(a)(2)(A) and Section 134(c)(2)(A)**
- d. **20 CFR Part 639**
- e. **20 CFR Part 682 Subpart C**
- f. **Hawaii Revised Statutes (HRS) Chapter 394B**
- g. **Hawaii Administrative Rules (HAR) Title 12 Subtitle 6 Chapter 506**

E. Definitions

a. Acronyms and Abbreviations

Acronym	Definition
AJC	American Job Center
CFR	Code of Federal Regulations
DLIR	Department of Labor and Industrial Relations
DW	Dislocated Worker

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Acronym	Definition
HAR	Hawaii Administrative Rules
HRS	Hawaii Revised Statutes
LWDB	Local Workforce Development Board
RR	Rapid Response
SOH	State of Hawaii
SOP	Standard Operating Procedure
USC	United States Code
WARN	Worker Adjustment and Retraining Notification
WDC	Workforce Development Council
WDD	Workforce Development Division
WIOA	Workforce Innovation and Opportunity Act

b. Terms

Term	Definition
Rapid Response	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. (§682.300(a)) 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. (§682.300(b))
Employee	Any individual engaged in service to an employer. (HRS §394B-2)
Employer	Any individual or entity that, directly or indirectly, owns, operates, or has a controlling interest in a covered establishment, excluding the State or any political subdivision thereof. (HRS §394B-2) An employer, furthermore, means any business enterprise that employs (20 CFR §639.3(a)(1)) 50 or more persons (HRS §394B-2). Note that State regulation reduces the size of an employer from what is stated in Federal regulation. Federal regulation states 100 or more employees.
Covered Establishment	Any industrial, commercial, or other legal business entity that employs at any time in the preceding 12-month period, 50 or more persons in the State of Hawaii as determined by any payroll or other reasonable accounting period within the 12 consecutive calendar months preceding the closing, partial closing, or relocation. (HAR §12-506-3)

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Term	Definition
Plant Closing	The permanent or temporary shutdown of a “single site of employment”, or one or more “facilities or operating units” within a single site of employment, if the shutdown results in an “employment loss” during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees. An employment action that results in the effective cessation of production or the work performed by a unit, even if a few employees remain, is a shutdown. A “temporary shutdown” triggers the notice requirement only if there are a sufficient number of terminations, layoffs exceeding 6 months, or reductions in hours of work as specified under the definition of “employment loss.” (20 CFR §639.3(b))
Permanent Shutting Down	The cessation of a portion or all of the business activities in a covered establishment which results in a layoff or termination of employees. If the covered establishment or portion thereof continues operations with a different owner or different employees, the act of a layoff or termination of employees constitutes a permanent shutting down. (HAR §12-506-2)
Closing	The permanent shutting down of all operations within a covered establishment due to the sale, transfer, merger, other business takeover or transaction of business interests, bankruptcy, or other close of business transaction that results in or may result in the layoff or termination of employees of a covered establishment by the employer. (HRS §394B-2)
Partial Closing	The permanent shutting down of a portion of operations within a covered establishment due to the sale, transfer, merger, and other business takeover or transaction of business interests and results in or may result in the termination of a portion of the employees of a covered establishment by the employer. (HRS §394B-2)
Portion of Operations	For the purposes of a partial closing, portion of operations means a distinct part of the operations, such as a department, division, branch, or outlet. (HAR §12-506-2)
Portion of the Employees	For the purposes of a partial closing, portion of the employees means one or more employees employed in that portion of the operations. (HAR §12-506-2)

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Term	Definition
Mass Layoff	A reduction in force which first, is not the result of a plant closing, and second, results in an employment loss at the single site of employment during any 30-day period for: at least 33% of the active employees, excluding part-time employees, and at least 50 employees, excluding part-time employees. Where 500 or more employees (excluding part-time employees) are affected, the 33% requirement does not apply. Plant closings involve employment loss which results from the shutdown of one or more distinct units within a single site or the entire site. A mass layoff involves employment loss, regardless of whether one or more units are shut down at the site. (20 CFR §639.3(c))
Affected Employees	Employees who may reasonably be expected to experience an employment loss as a consequence of a proposed plant closing or mass layoff by their employer. This includes individually identifiable employees who will likely lose their jobs because of bumping rights or other factors, to the extent that such individual workers reasonably can be identified at the time notice is required to be given. The term “affected employees” includes managerial and supervisory employees, but does not include business partners. Consultant or contract employees who have a separate employment relationship with another employer and are paid by that other employer, or who are self-employed, are not “affected employees” of the business to which they are assigned. In addition, for purposes of determining whether coverage thresholds are met, either incumbent workers in jobs being eliminated or, if known 60 days in advance, the actual employees who suffer an employment loss may be counted. (20 CFR §639.3(e))
Employment Loss	An employment termination, other than a discharge for cause, voluntary departure, or retirement; a layoff exceeding 6 months; or a reduction in hours of work of individual employees of more than 50% during each month of any 6-month period. (20 CFR §639.3(f)(1))
Single Site of Employment	Refers to either a single location or a group of contiguous locations. Groups of structures which form a campus or industrial park, or separate facilities across the street from one another, may be considered a single site of employment. (20 CFR §639.3(i)(1))
Facility	Refers to a building or buildings. (20 CFR §639.3(j))
Operating Unit	Refers to an organizationally or operationally distinct product, operation, or specific work function within or across facilities at the single site. (20 CFR §639.3(j))

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Term	Definition
Divestiture	The transfer of any covered establishment from one employer to another because of the sale, transfer, merger, bankruptcy, or other business takeover or transaction of business interests that causes the covered establishment's employees to become dislocated workers. (HRS §394B-2)
Relocation	The removal of all or substantially all of the industrial, commercial, or business operations in a covered establishment to a location outside the State of Hawaii. (HRS §394B-2)
Dislocated Worker	For the purposes of rapid response, dislocated worker means an individual who has been terminated or who has received a notice of termination of employment, as a result of any permanent closure of a business, partial closings, and relocation. (HRS §394B-2)
Representative	An exclusive representative of employees within the meaning of section 9(a) or 8(f) of the National Labor Relations Act or section 2 of the Railway Labor Act. (20 CFR §639.3(d))

F. Roles and Responsibilities

a. Workforce Development Council

The WDC's role is to oversee statewide rapid response activities through the development and execution of policies, procedures, and guidelines in accordance with Federal and State laws. The WDC has a designated RR Coordinator who handles tasks related to rapid response activities and communicates with the AJC. The WDC RR Coordinator serves as the point of contact on behalf of the WDC for all matters pertaining to rapid response. The WDC has the following responsibilities as it relates to rapid response:

- i. Develop policies, procedures, and guidelines related to rapid response activities;
- ii. Revise policies, procedures, and guidelines related to rapid response activities as needed;
- iii. Provide technical assistance to the LWDBs and the AJCs to ensure proper implementation of policies, procedures, and guidelines;
- iv. Forward all notices of closings and mass layoffs to the appropriate AJC in the local area in which the employer operates;
- v. Notify the WDD of any WARN violation including any potential violation;
- vi. Ensure that HireNet codes are created for rapid response events and delivered to the AJC;
- vii. Notify the WDD in the event of a downtime, outage, or problem with the

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operation of the HireNet system during periods of time when rapid response sessions are conducted, so that the WDD can follow up on the issue; and

viii. Maintain documentation regarding rapid response activities.

b. Local Workforce Development Board

There are four LWDBs, one in each of the four counties. The role of each LWDB is to ensure that the AJC and any affiliates operating within its local area is carrying out workforce activities including rapid response activities in accordance with policies and procedures.

- i. The LWDB is responsible for the oversight of the operations and activities of the AJC system in the local area.
- ii. The LWDB is responsible for developing the budget for local workforce activities including all rapid response activities.

c. American Job Center Hawaii

There are four AJCs in operation across the State of Hawaii. The role of each AJC operating in a local area is to provide assistance to the employer that is closing business and to employees who are affected by the closing. The AJC has a designated RR Team Leader who manages engagement with the employer and coordinates tasks among partners and relevant units. The AJC RR Team Leader serves as the point of contact on behalf of the AJC for all matters pertaining to rapid response. Each AJC has the following responsibilities as it relates to rapid response:

- i. Carry out rapid response activities in partnership with the employer and if applicable with each representative of affected employees;
- ii. Lead partners and relevant units to assist affected employees;
- iii. Conduct a survey to learn what affected employees may need and design sessions based on the collected information to carry out effective and relevant sessions; and
- iv. Prepare and maintain documentation regarding rapid response activities.

d. Workforce Development Division

The WDD is the designated agency for the enforcement of violations of the WARN requirements. The WDD has the following responsibilities as it relates to rapid response:

- i. Recommend possible legal action for violations of the WARN requirements; and
- ii. Ensure that the HireNet system is operational during periods of time when rapid response sessions are conducted, so that affected employees can use HireNet.

e. Director's Office of the Department of Labor and Industrial Relations

The role of the DLIR Director's Office is to receive formal WARN notices and to

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forward those notices to the WDC. The DLIR Director's Office has the following responsibility as it relates to rapid response:

- i. Promptly forward a WARN notice when received to the WDC.

G. Procedural Steps of the Main Business Process

1. Formal Notice of Closing

The employer sends a formal letter announcing the closing or mass layoff to the Director of the Department of Labor and Industrial Relations. The letter must contain everything specified in Section K(d) of this manual. The letter can be sent by personal delivery, postal mail, e-mail, or facsimile (fax).

2. Receipt of Formal Notice

The WDC receives the formal letter from the DLIR Director's Office.

3. Review of Formal Notice

The WDC reviews the formal letter and makes a determination if there is a violation of a WARN notice.

4. Employer Size Threshold

Has the employer had 50 or more employees in the preceding 12 months from the expected date of closing? If yes, proceed to the next step. If no, proceed to Step 6.

5. 60-Day Notice Requirement

Has the employer given at least 60 days of notice to announce closing? If yes, proceed to the next step. If no, proceed to Step 1 of the WARN Violation Process.

6. Notification to the AJC RR Team

The WDC RR Coordinator sends a scanned copy of the formal letter or a documented source of closing by e-mail to the AJC RR Team Leader of the appropriate AJC. Depending on which local area the employer operates in, the AJC that serves the local area will be notified. For example, if the employer operates in Honolulu county, the AJC serving Honolulu county will be notified.

In accordance with 20 CFR §639.6(d), the WDC RR Coordinator should send a copy of the formal letter by e-mail to the LWDB Executive Director and the LWDB Board Chairperson. The LWDB Executive Director should then forward a copy of the formal letter to the County Mayor. Although notification to the county level is not expressly stated in State law, County officials should be informed nonetheless.

7. Employer Contact

The AJC RR Team Leader contacts the company official specified in the formal letter. If no specific person is known, the Team Leader must research the employer to find who is the person to contact. In most cases, the person to contact is the company official who manages human resources. The person to contact may be the plant manager at the site of employment where the closing or mass layoff is scheduled.

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8. Explanation of Transition Assistance

The AJC RR Team Leader explains to the employer the purpose of rapid response and the activity to provide transition assistance to (1) the employer and (2) the affected employees. The Team Leader explains that the AJC can help affected employees to file for unemployment insurance benefits, to learn about available career services, and to find new employment as quickly as possible. The Team Leader also explains that the AJC can further help the employer to address needs that it may have as it closes operations. The AJC, for instance, can help the employer to conduct an orderly shutdown of operations. As the Team Leader discusses assistance with the employer, the Team Leader may determine that there is an opportunity to work with the employer on layoff aversion.

9. Acceptance of Transition Assistance

If the employer accepts transition assistance, proceed to the next step. If the employer does not accept, then the procedure ends and the employer will not receive transition assistance. Affected employees as individuals, however, can seek transition assistance individually by going directly to the AJC at their convenience.

10. Distribution of Dislocated Worker Survey Questionnaire

The AJC RR Team Leader sends the DW Survey Questionnaire (Appendix A2) by e-mail to the employer. This questionnaire will inform the AJC on what particular needs affected employees may want (e.g., job search assistance and skills training). The Team Leader instructs the employer to distribute the questionnaire to all affected employees and to have the questionnaire filled out within 7 days.

11. Dislocated Worker Survey Questionnaire Filled Out

The employer distributes the DW Survey Questionnaire to all affected employees. The employer would print copies and hand the copies to all affected employees. The employees will then fill out the questionnaire. This task should be completed within 7 business days.

12. Dislocated Worker Survey Questionnaire Returned

The employer collects the filled-out DW Survey Questionnaires from the affected employees. At this time, the employer may want to review the questionnaires for its purposes. The employer may retain copies of the questionnaires.

13. Establishment of Session Dates, Times, and Locations

The employer establishes the “Schedule of Rapid Response Sessions” so that affected employees can engage with the AJC RR team. The employer will schedule days, times, and locations for the sessions. More than one session may be necessary. If a session cannot be held at the site of employment, then another location needs to be specified. If a union is involved, the employer should ensure that each representative can attend the sessions.

14. Returned Dislocated Worker Survey Questionnaire to the AJC

The AJC RR Team Leader works with the employer on the logistics of receiving the

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completed DW Survey Questionnaires. The employer may scan the completed questionnaires and then send the scanned copies to the AJC RR Team Leader, or some other arrangement may be agreed to. The employer also sends the Schedule of Rapid Response Sessions to the AJC RR Team Leader. Materials may be sent by e-mail or by another means as agreed to.

15. Receipt of Filled-out Dislocated Worker Survey Questionnaires

The AJC RR Team Leader has copies of the DW Survey Questionnaires completed by affected employees.

16. Compilation of Dislocated Worker Survey Data

The AJC RR Team Leader compiles the data from the DW Survey Questionnaires. This task may be assigned to one or more staff members supervised by the Team Leader. The Team Leader has discretion on how the data will be compiled. Data may be compiled in a statistical software program, a Microsoft Excel spreadsheet, or by another means chosen by the Team Leader.

17. Analysis of Dislocated Worker Survey Data

The AJC RR Team Leader analyzes the data that have been compiled from the DW Survey Questionnaires. This task may be assigned to one or more staff members supervised by the Team Leader. The analysis entails looking for areas that affected employees will need assistance with. Affected employees may have specific requests. The analysis will inform which partners and units will need to be called upon to provide assistance.

18. Preparation of Dislocated Worker Survey Notes

The AJC RR Team Leader summarizes the data analysis into notes. The notes should capture what the affected employees need, indicate which partners and units will need to be called upon, and provide information that will serve as guides to conducting the sessions. The notes should be concise and should not exceed more than 5 pages.

19. Documented Dislocated Worker Survey Notes

The AJC RR Team Leader has a set of notes in written form that may be shared with the employer, partners, and relevant units as appropriate. If a union is involved, the documented notes may be shared with each representative.

20. Assembly of Partners and Units

The AJC RR Team Leader identifies partners and units based on the survey notes. The Team Leader assembles the partners and units to work together to plan and conduct the sessions established by the employer. Not all units may be required to attend sessions. Those units that can best assist affected employees should be brought together.

21. Coordination of Partners and Units

The AJC RR Team Leader coordinates the scheduling of people from the partners

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and units to ensure that they can attend the sessions. In a situation where individuals may not be able to attend established sessions, the Team Leader should find dates and times that would be better and propose such changes to the employer. All of the identified partners and units should be able to attend the sessions.

The AJC RR Team Leader also plans the logistics for carrying out all sessions. The task of event management is important at this time. The RR Team Leader ensures that all necessary supplies, equipment, presentations, handouts, and forms are available at each session.

22. Employer Contact

The AJC RR Team Leader makes another formal contact with the company official.

23. Confirmation of Session Dates, Times, and Locations

The AJC RR Team Leader confirms with the company official that partners and units will be able to attend sessions. Any changes to dates, times, and locations are discussed at this time. All dates, times, and locations are finalized between the company official and the AJC RR Team Leader. The Schedule of Rapid Response Sessions is finalized.

24. Assignment of HireNet Code

The AJC RR Team Leader notifies the WDC RR Coordinator that sessions have been finalized. The WDC RR Coordinator will then obtain a unique HireNet code. A WDC staff member creates a unique code in the HireNet system for tracking affected employees associated with rapid response events. The created HireNet code is then issued to the AJC. The WDC RR Coordinator sends the HireNet code by e-mail to the AJC RR Team Leader.

Actual use of the HireNet code is out of scope of this standard operating procedure. The AJC RR Team Leader should maintain a reference sheet that lists all issued HireNet codes associated with specific RR events. The latest reference sheet should then be distributed to all AJC case managers. When an affected employee requests for Dislocated Worker services at a later point in time, a case manager will ask the employee if they attended a rapid response event. If the employee did, the case manager will look up the HireNet code matching the RR event from the reference sheet and will then enter the code with the employee's Dislocated Worker registration in the HireNet system.

25. Coordination with a Union

If a union is not involved, this step can be skipped and the process proceeds to the next step. If a union is involved, the AJC RR Team Leader must contact each representative and coordinate scheduling so that they can attend the sessions.

26. Transition Assistance Sessions

After the planning, organization, and coordination, the sessions to assist affected employees are conducted. The AJC RR Team Leader manages the sessions. This entails event management for all scheduled days. Tables and chairs will be set up.

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Signage will be displayed. Printed materials will be available. If needed, computers may be set up. An Internet connection may be set up, if required. Other items may need to be set up. All such details would have been planned in advance in Step 21. The Team Leader has discretion on how the sessions will be conducted and managed. The descriptions of event set up in this paragraph are for illustrative purposes.

The AJC RR Team Leader may allow affected employees to register in the HireNet system. This will require computers and an Internet connection at the event site.

27. Preparation of Rapid Response Event Summary Report

The AJC RR Team Leader gathers all information to prepare the RR Event Summary Report (Appendix A3). There should be an internal review by AJC senior management to approve the Summary Report. The LWDB may also require the review and approval of the Summary Report prior to its submission to the WDC.

28. Approved Rapid Response Event Summary Report

The AJC RR Team Leader has a completed and approved RR Event Summary Report.

29. Transmittal of Rapid Response Event Summary Report

The AJC RR Team Leader sends the approved RR Event Summary Report by e-mail to the WDC RR Coordinator. The WDC RR Coordinator will respond to indicate receipt of the Summary Report.

30. Review of Rapid Response Event Summary Report

The WDC RR Coordinator reviews the RR Event Summary Report. If there are any issues, the RR Coordinator will consult with WDC program and fiscal staff and other partner program staff as needed to understand the issues. The RR Coordinator discusses identified issues, if any, with the WDC Executive Director.

31. Determination of Follow-up Action

The WDC Executive Director may determine that one or more follow-up actions may be needed. If no action is necessary, proceed to the next step. If a follow-up action is necessary, the WDC Executive Director contacts the LWDB Executive Director and discusses the issue. Follow-up actions may involve additional people and a number of days to resolve.

32. Filing of Rapid Response Event Summary Report

The WDC RR Coordinator collects documents that have been developed from the start of the procedure to the end and prepares them for archival and documentation purposes. See Section K(b)(i) for the minimum set of documents that the WDC prepares for archiving. The AJC RR Team Leader collects and prepares their share of documents for archival and documentation purposes. Personally Identifiable Information (PII) (e.g., a social security number, a person's name, a phone number, an e-mail address, and a physical address) must be redacted in all documents prior to those documents being archived. Both the WDC and the AJC will have a

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designated location where archived documents are securely stored. Documents can be stored in electronic format, as long as the electronic files remain readable, accessible, and secured. This step marks the end of the procedure.

H. Procedural Steps of the Informal Notice Process

1. Identification of Closing from Another Source

In the absence of a formal letter from the employer, the WDC RR Coordinator may be able to identify the closing from another source. In some cases, a closing is reported by the news media. Another source may come from an affected employee, an LWDB member, a WDC member, an AJC staff member, or a staff member from a partner program.

2. Captured Report of Closing

The WDC RR Coordinator prints a copy of the news report or saves the news report in an electronic format. If the source is anything other than a news report, the RR Coordinator writes a brief summary about the closing. The documentation of the source should contain at least the name and address of the employer, the date of closing, and the number of affected employees.

3. Evidence of Closing

The WDC has the identification of the closing in documented form. At this point, the process will join the main process at Step 6.

I. Procedural Steps of the WARN Violation Process

1. WDC Executive Director Contact

The WDC RR Coordinator contacts the WDC Executive Director that the employer has violated a WARN notice. Information regarding the violation (e.g., formal letter or informal notice) is provided to the Executive Director. The RR Coordinator will return to the main process at Step 6 to notify the AJC RR Team Leader.

2. WARN Violation Notice to the Workforce Development Division

The WDC Executive Director notifies the WDD that the employer has violated a WARN notice. Information regarding the violation (e.g., formal letter or informal notice) is sent to the WDD.

3. Enforcement of WARN Violation

The WDD takes the necessary steps to enforce the WARN violation.

J. Criteria

a. WARN Notice Violation

The employer has violated a WARN notice if it:

- i. Is an industrial, commercial, or other business entity that has employed 50 or more persons at any time in the preceding 12-month period from the expected date of closing (HRS §394B-2);

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- ii. Has terminations, layoffs exceeding 6 months, or reductions in hours of work of individual employees of more than 50% during each month of any 6-month period for: (1) 50 or more employees at a single site of employment during any 30-day period, (2) at least 33% of active employees and at least 50 employees in a mass layoff, or (3) 500 or more employees (20 CFR §639.3);
- iii. Is permanently shutting down a portion or all of the operations due to the sale, transfer, merger, other business takeover or transaction of business interests, or other close of business transaction that results in or may result in the layoff or termination of employees (HRS §394B-2); and
- iv. Has not provided to each employee and the DLIR Director written notification of a closing, divestiture, partial closing, or relocation at least 60 days prior to its occurrence (HRS §394-B-9(a)).

b. Exemption from the WARN Notice Requirement

The employer is exempt from the WARN notice requirement if one of the following has occurred:

- i. The employer was actively seeking a buyer for a sale, transfer, or merger up to a point in time when the employer has entered into a binding agreement for the sale, transfer, or merger of the business entity that resulted in a divestiture (HRS §394B-9(c));
- ii. The shutdown is a direct result of or in connection with factors such as business failure, bankruptcy, or loss of lease or contract (HAR §12-506-4(b));
- iii. Employees are (1) transferred to new work assignments or to a new physical location within reasonable commuting distance, (2) hired temporarily with the understanding that their employment was limited to the duration of a facility operation or a project or undertaking, or (3) on strike or lockout that results in a labor dispute (20 §CFR 639.5);
- iv. The employer was actively seeking capital or business at the time that the 60-day notice would have been required and that such capital or business if obtained would have been sufficient to avoid or postpone the shutdown (20 §CFR 639.9(a);
- v. An unforeseeable business circumstance is caused by a sudden, dramatic, and unexpected action or condition that is outside the employer's control (20 CFR §639.9(b); or
- vi. The plant closing or mass layoff is a direct result of a natural disaster (20 CFR §639.9(c).

c. Information Requirements in the WARN Notice to Employees

The written notice to each affected employee must be in language understandable to the employees and must contain the following:

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- i. A statement as to whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect (20 CFR §639.7(d)(1));
- ii. The expected date when the proposed closing, partial closing, relocation, or mass layoff will commence (HAR §12-506-7(b)(1) and 20 CFR §639.7(d)(2));
- iii. The expected date when the individual employee will be separated (20 CFR §639.7(d)(2));
- iv. Information that the employee, upon layoff or termination, may be eligible for dislocated worker allowance, for which the employee must receive a determination of eligibility for unemployment compensation benefits from the DLIR (HAR §12-506-7(b)(2));
- v. An indication whether or not bumping rights exist (20 CFR §639.7(d)(3)); and
- vi. The name and telephone number of a company official to contact for further information (20 CFR §639.7(d)(4)).

The notice may include additional information useful to the employees, and, if the planned action is expected to be temporary, the estimated duration, if known.

d. Information Requirements in the WARN Notice to the DLIR Director

The written notice to the DLIR Director must contain the following:

- i. The name and address of the employer (HAR §12-506-7(c)(1));
- ii. The name and address of the employment site where the plant closing or mass layoff will occur (20 CFR §639.7(e)(1));
- iii. The name and telephone number of a company official to contact for further information (HAR §12-506-7(c)(2) and 20 CFR §639.7(e)(1));
- iv. A statement as to whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect (20 CFR §639.7(e)(2));
- v. The expected date of the closing, partial closing, or relocation (HAR §12-506-7(c)(3));
- vi. The expected date of the first separation, and the anticipated schedule for making separations (20 CFR §639.7(e)(3));
- vii. The total number of employees in the preceding 12-month period from the expected date of the closing, partial closing, or relocation (HAR §12-506-7(c)(4));
- viii. The number of employees in each job classification to be laid off or terminated (HAR §12-506-7(c)(5) and 20 CFR §639.7(e)(4));
- ix. The job titles of positions of employees to be laid off or terminated (20 CFR

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§639.7(e)(4));

- x. An indication as to whether or not bumping rights exist (20 CFR §639.7(e)(5)); and
- xi. The name of each union representing affected employees, and the name and address of the chief elected officer of each union (20 CFR §639.7(e)(6)).

The notice may include additional information useful to the employees, and, if the planned action is expected to be temporary, the estimated duration, if known.

The employer must maintain a copy of the written notice on site and have it readily accessible to the DLIR, the WDC, and the LWDB. Failure to present the notice upon request will be deemed a failure to give required notice (20 CFR §639.7(f)).

e. Information Requirements in the WARN Notice to the Labor Union

If applicable, the written notice to each representative of the affected employees must contain the following:

- i. The name and address of the employment site where the plant closing or mass layoff will occur (20 CFR §639.7(c)(1));
- ii. The name and telephone number of a company official to contact for further information (20 CFR §639.7(c)(1));
- iii. A statement as to whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect (20 CFR §639.7(c)(2));
- iv. The expected date of the first separation, and the anticipated schedule for making separations (20 CFR §639.7(c)(3));
- v. The job titles of positions of employees to be laid off or terminated (20 CFR §639.7(c)(4)); and
- vi. The names of the employees currently holding affected job titles (20 CFR §639.7(c)(4)).

The notice may include additional information useful to the employees, and, if the planned action is expected to be temporary, the estimated duration, if known.

K. Records Management

a. Required Documentation

A set of documents provides all the details regarding engagement with one specific employer on rapid response transition assistance activities. The following documents comprise the complete set and must be retained:

- i. Formal WARN Letter or Informal Notice of Closing
- ii. Completed Dislocated Worker Survey Questionnaires
- iii. Dislocated Worker Survey Notes
- iv. Schedule of Rapid Response Sessions

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- v. Rapid Response Event Summary Report
- vi. E-mail Communication Messages Between All Parties Involved

b. Document Retention

- i. The WDC maintains at the minimum a copy of the Formal WARN Letter or Informal Notice of Closing, RR Event Summary Report, and E-mail Communication Messages.
- ii. The AJC maintains a copy of all required documents.
- iii. All documents must be retained for at least 3 years (2 CFR §200.333).
- iv. All documents must be stored in a secured location either in an electronic format or in hard copy, printed form.
- v. All documents stored in electronic format must be backed up to storage media on a periodic basis and checked for data integrity on a periodic basis.

c. Document Access

Only persons who have the need to know any or all of the documents shall be permitted access to the documents.

L. Quality Control and Quality Assurance

a. Monitoring

- i. The LWDB may monitor the AJC from time to time to ensure that rapid response transition assistance activities are carried out in accordance with the procedure described in this manual.
- ii. The WDC may request a report from the LWDB on any monitoring that the LWDB has conducted.

b. Evaluation

- i. On an annual basis, the WDC may conduct an evaluation of the AJC's rapid response transition assistance activities as a part of the annual audit evaluation that the WDC conducts.

c. Additional Operating Procedure

- i. The LWDB may develop an operating procedure in addition to this procedure to provide further instruction, clarification, or more detail.
- ii. The AJC in consultation with the LWDB may develop an operating procedure in addition to this procedure to provide further instruction, clarification, or more detail.
- iii. Any additional operating procedure shall neither contravene nor negate anything in this Standard Operating Procedure Manual.
- iv. Any additional operating procedure shall conform to Federal and State laws and policies.

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M. References

a. Training and Employment Guidance Letter (TEGL) No. 30-09

TEGL No. 30-09, *Layoff Aversion Definition and the Appropriate Use of Workforce Investment Act Funds for Incumbent Worker Training for Layoff Aversion Using a Waiver*, June 8, 2010

b. Training and Employment Notice (TEN) No. 3-10

TEN No. 3-10, *The National Rapid Response Initiative*, August 9, 2010

c. Training and Employment Notice (TEN) No. 31-11

TEN No. 31-11, *The Rapid Response Framework*, March 1, 2012

d. Training and Employment Notice (TEN) No. 32-11

TEN No. 32-11, *Rapid Response Self-Assessment Tool*, March 1, 2012

N. Appendices

a. Appendix A1: Rapid Response Business Process

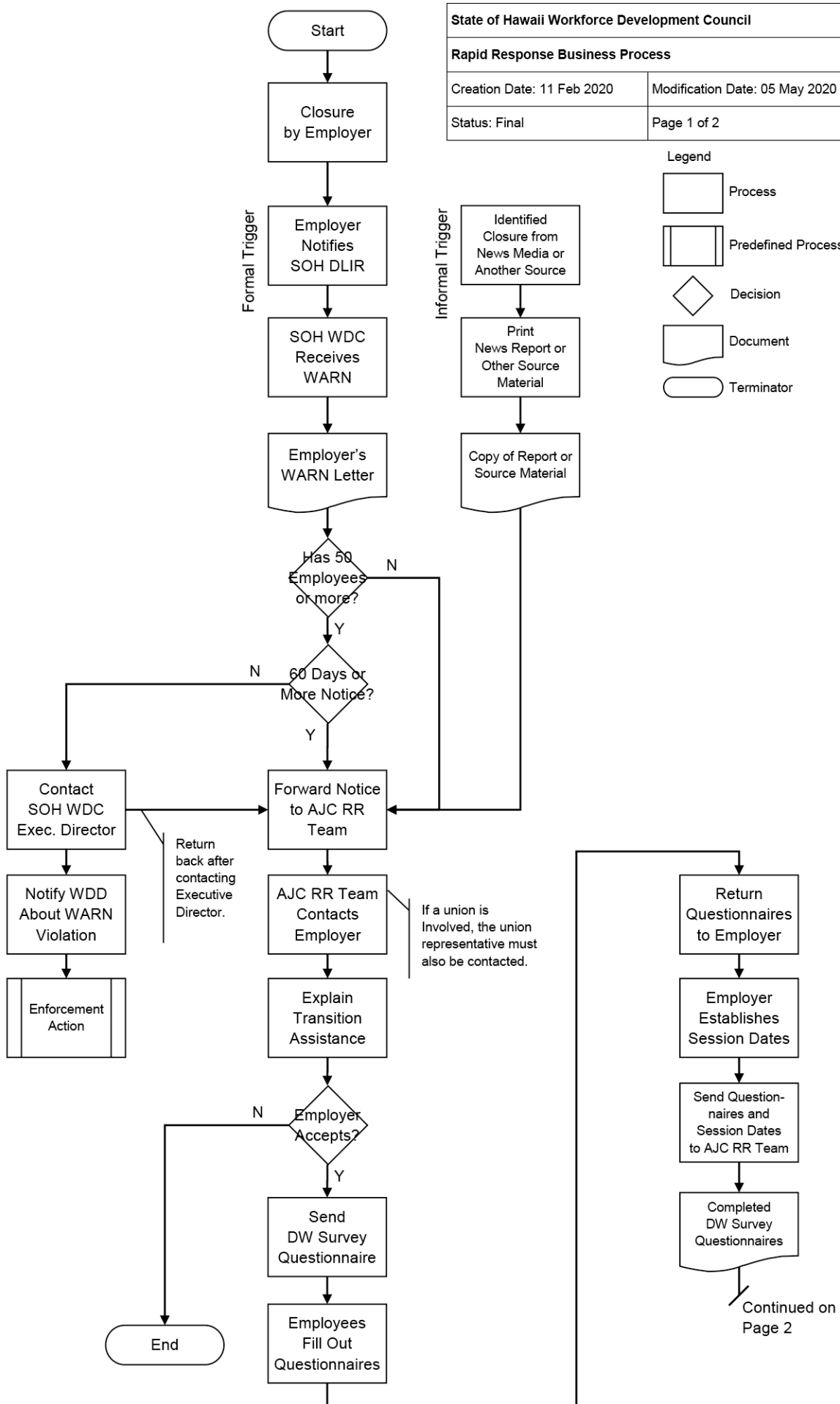
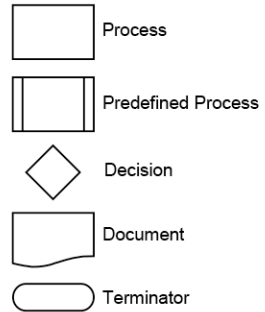
b. Appendix A2: Dislocated Worker Survey Questionnaire

c. Appendix A3: Rapid Response Event Summary Report

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Appendix A1: Rapid Response Business Process

Legend



Continued from
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Compile
DW Survey
Data

Analyze
DW Survey
Data

Prepare
DW Survey
Notes

Especially important when more than one person analyzes the data and there will be multiple teams involved, the result of the data analysis needs to be summarized into notes (concise descriptions, bullet points, etc.).

DW Survey
Notes

To be shared with the employer and relevant teams.

Assemble
Relevant
Units/Teams

Coordinate
Among
Units/Teams

Important in this step is to make sure that teams can attend sessions.

Contact
Employer

Confirm
Session Dates
and Locations

WDC Assigns
Unique
HireNet Code

Is Union
Involved?

Y

Coordinate
with Union

N

Conduct
Sessions

Prepare
RR Event
Summary

RR Event
Summary
Report

Send Summary
Report to WDC

WDC Reviews
Summary
Report

Is Follow-up
Needed?

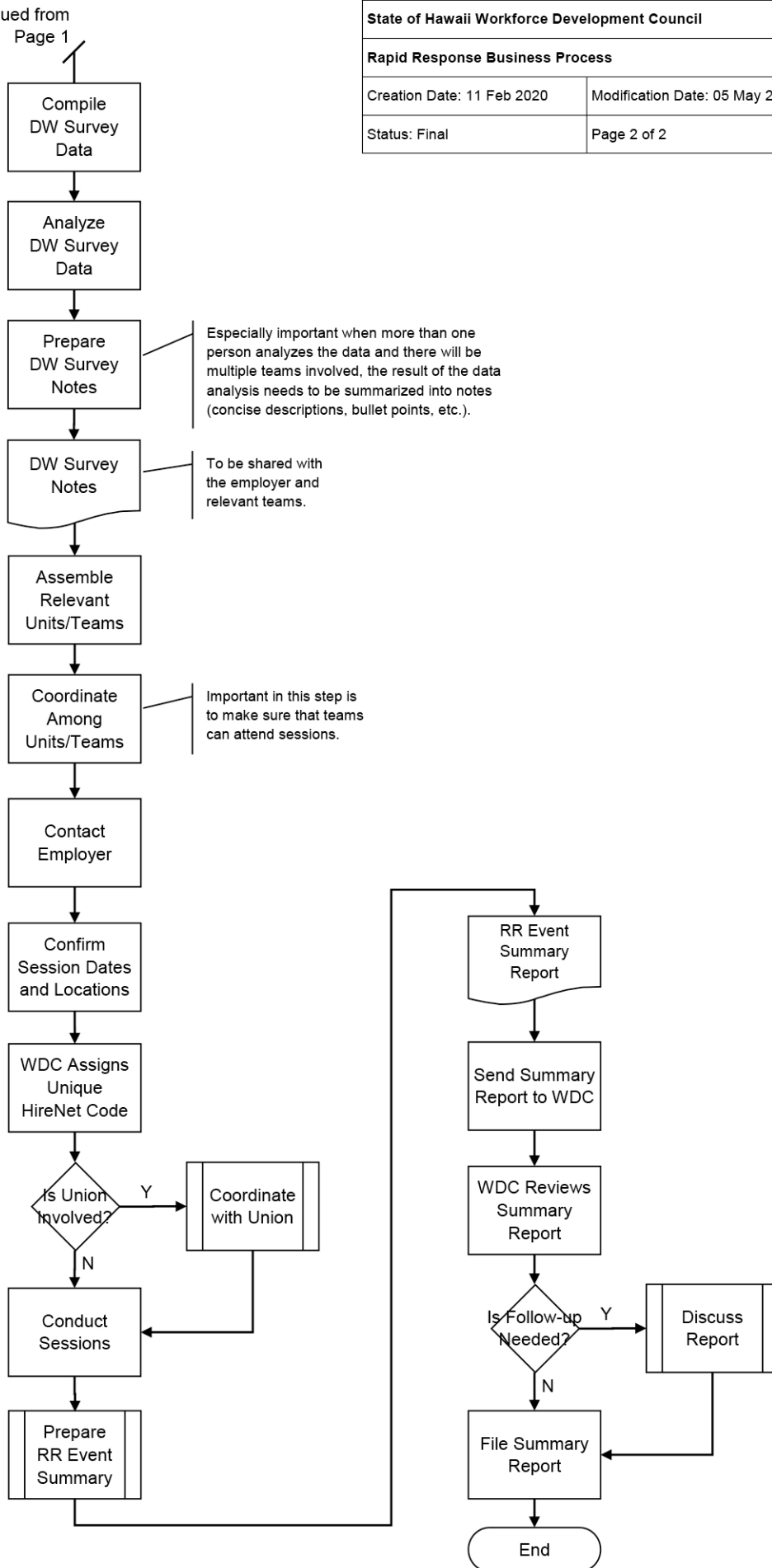
Y

Discuss
Report

N

File Summary
Report

End



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Appendix A2: Dislocated Worker Survey Questionnaire



American Job Center Hawaii Dislocated Worker Survey Questionnaire

To help us respond to your employment needs, and to help us plan and design your service package, please complete this questionnaire.

Employer:

Location of Job Site (Zip Code):

☐ Hawaii Island ☐ Kauai ☐ Lanai ☐ Maui ☐ Molokai ☐ Oahu

1. What was/is your job title with the employer?

2. What was/is your salary/wage? per ☐ Hour ☐ Month ☐ Year

3. What were/are your duties and responsibilities?

4. Are you seeking jobs similar to what you've been doing? ☐ Yes ☐ No

5. If no, what other jobs are you interested in doing?

6. Are you interested in résumé writing? ☐ Yes ☐ No

7. Are your interested in job search workshops? ☐ Yes ☐ No

8. Are you interested in job training? ☐ Yes ☐ No

9. If yes, what job-related trainings are you interested in?

10. Are you currently attending school or job training? ☐ Yes ☐ No

11. If yes, what type of training are you taking?

12. If yes, what is the name of the school or training organization?

13. Are you a veteran? ☐ Yes ☐ No

14. If yes, do you have a service-connected disability? ☐ Yes ☐ No

Rate the following activities on a scale of 1 to 5, with 1 being least important and 5 being most important.

15. Find a job as soon as possible.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
16. Attend a workshop on preparing for a job interview.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
17. Attend a workshop on where to look for jobs.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
18. Attend a workshop on how to use a computer for job search.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
19. Attend short-term job training to learn a new skill.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
20. Attend training to improve English speaking and writing abilities.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
21. Obtain a GED or high school diploma.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
22. Obtain formal education for a new occupation or trade.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
23. Learn about Unemployment Insurance benefits.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
24. Learn about health insurance and/or health care assistance.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
25. Learn about child care assistance/support.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
26. Learn about financial assistance and/or food stamps.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
27. Learn about financial management, budgeting, and/or credit counseling to avoid bankruptcy or foreclosure.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
28. Learn about veterans' benefits.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
29. Receive assistance in family/personal counseling.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
30. Receive assistance in personal stress management.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

31. Do you have any concerns regarding your situation?

Your Name:

Phone Number:

E-mail Address:

Mailing Address:

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Appendix A3: Rapid Response Event Summary Report



American Job Center Hawaii Rapid Response Event Summary Report

American Job Center: ☐ Hawaii Island ☐ Kauai ☐ Maui ☐ Oahu

Submitted By:

Signature:

Date Submitted:

Reviewed By:

Signature:

Date Reviewed:

Approved By:

Signature:

Date Approved:

Employer and Session Information
Employer:
Industry:
Session Date:
Location/Address of Session:
Number of Attendees:
Number of Follow-up Appointments Scheduled for AJC Visit and Resource Use:
Session Facilitator (AJC Staff Member):
Session Facilitator's Phone Number:
Session Facilitator's E-mail Address:

State/County/Community Partners in Attendance	
1.	2.
3.	4.
5.	6.
7.	8.
9.	10.

Services/Programs of Interest	
1.	2.
3.	4.
5.	6.
7.	8.
9.	10.

Unusual Circumstances or Questions
<div></div>

Suggested Improvements for Next Session

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Comments

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