



DEPARTMENT OF LABOR AND EMPLOYMENT

DIVISION OF EMPLOYMENT & TRAINING

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Category: Workforce Investment Act, Title 1, Dislocated Worker
Subject#: Rapid Response Guidelines
Source: Federal/State
Revise/Replace: PGL 05-12-WIA
Contact: Workforce Development Programs Director
Distribution: Managers, Workforce Development Staff, Workforce Region Directors, Fiscal
Colorado One-Stop System Policy Guidance Letter#: 09-09-WIA
Date: April 14, 2009

I. POLICY GUIDANCE REFERENCES:

A. Workforce Investment Act of 1998 (WIA)

1. The Workforce Investment Act of 1998 effective August 7, 1998.
2. The Workforce Investment Act, Final Rules; 20 CFR Part 652 et al.

B. PURPOSE OF POLICY GUIDANCE LETTER (PGL)

1. To provide information and guidelines for Rapid Response activities conducted by the State Rapid Response Team and Workforce Regions. The intent of this PGL is to establish a basic standard of service statewide. Workforce regions may improve or enhance this standard as indicated by local needs and resources.

C. BACKGROUND

1. WIA Section 101 defines the term "rapid response" activity to mean an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility or enterprise, or a natural or other disaster that results in mass job dislocation, in order to assist dislocated workers (as described under Section 101(9)) in obtaining reemployment as soon as possible. Services provided include:
 - a. The establishment of on-site contact with the employers and employee representatives immediately after the State (or Workforce Center) is notified either by WARN Notice or by other means, of a current or projected permanent closure or mass layoff; or a dislocation as a result of such disaster;

- b. The provision of information and access to available employment and training activities;
 - c. Assistance in establishing a labor-management committee, when appropriate, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;
 - d. The provision of emergency assistance adapted to the particular closure, layoff, or disaster; and
 - e. The provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.
2. In addition, Sections 665.300 through 665.340 of the WIA Final Regulations issued August 11, 2000 further defines Rapid Response activities to include:
- a. Immediate and on-site contact with the employer, representatives of the affected workers, and the local community, which may include an assessment of the:
 - 1) Layoff plans and schedule of the employer;
 - 2) Potential for averting the layoff(s) in consultation with the State or local economic development agencies, including private sector economic development entities and chambers of commerce;
 - 3) Background and probable assistance needs of the affected workers;
 - 4) Reemployment prospects for workers in the local community; and
 - 5) Available resources to meet the short and long-term assistance needs of the affected workers.
 - b. The provision of information and access to unemployment compensation benefits, comprehensive One-Stop system services, and employment and training activities, including information on the Trade Adjustment Assistance (TAA) Program.
 - c. The provision of guidance and/or financial assistance in establishing a labor management committee voluntarily agreed to by labor and management, or a workforce transition committee comprised of representatives of the employer, the affected workers and the local community. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. (Suggestions for assistance to the committee are further defined in section 665.310 of the Final Rules and Regulations).

NOTE: In the event that a Workforce Center does not have adequate funding to provide layoff assistance and dislocated worker services, Rapid Response Layoff Reserve Funds can be requested. See PGL 03-18-WIA for guidelines to apply for additional funding.

II: POLICY AND ACTION

A. RESPONSIBILITIES OF THE STATE RAPID RESPONSE UNIT

1. The State Rapid Response Unit provides guidance and assistance to local workforce regions to assure consistency in statewide operations and the rendering of basic rapid response services. The State Rapid Response Coordinator (SRRC), Terry Bohannon, is responsible for initial contact with all employers from whom a Worker Adjustment and Retraining Notification (WARN) notice is received, as well as, other employers who are experiencing or expected to experience a layoff. An employer who submits a WARN notice will be contacted within 48 hours of receipt by the SRRC.
2. The State Rapid Response Unit will facilitate and coordinate planning meetings, Layoff Transition Workshops, and other employer requested layoff transition services when 25 or more employees will be impacted in the Front Range regions, except El Paso/Teller counties. Local regions will be asked to participate in Layoff Transition Workshops to share information about Workforce Center services and the specifics of the local centers in regards to hours, locations, and special registration instructions. When over 100 employees are impacted at a single facility, a zip code list will be requested from the employer and the region where the majority of the impacted workers reside will be invited to the Layoff Transition Workshop(s).
3. The State Rapid Response Unit will collect all layoff and closure information from all workforce regions on a continuous basis and report all Rapid Response activity to the US Department of Labor, selected Colorado Department of Labor and Employment staff, workforce center directors, and the lead Rapid Response contact in each region on a bi-weekly and quarterly basis.
4. The State Rapid Response Unit will make the Layoff Transition Workshop packet material available to all regions on an as-requested basis. The packet is the standard information used in the Denver-metro area and should be augmented to meet the local needs of each workforce region. Spanish language packets are also available. To request packets, contact Petra Chavez at 303-318-8818 or petra.chavez@state.co.us. Please request far enough in advance to allow a reasonable time for delivery.
5. The State Rapid Response Unit will provide training and technical assistance to any region requesting these services. Staff in the regions that conduct their own rapid response program can request training at any time and are encouraged to do so as staffing changes occur. The state unit can provide training regarding the following topics: marketing the program and services to employers, employment attorneys, and business organizations; and conducting the Layoff Transition Workshop. As part of on-going technical assistance the state unit facilitates

quarterly conference phone calls with local Rapid Response leads: all regions are encouraged to have a representative in attendance.

6. The State Unit website, www.coworkforce.com/EMP/Layoffassistance.asp, provides information about Rapid Response services, the benefits of utilizing services, and the contact information for the SRRC. In addition, the website provides a summary of the Worker Adjustment and Retraining Notification (WARN) Act and the national phone number, 1-877-US2jobs, to locate Rapid Response Coordinators in other states.
7. The State Rapid Response Unit maintains a Rapid Response Team Room at www.e-colorado.org. The Team Room contains electronic versions of Rapid Response materials, as well as, technical assistance documents that can be utilized by the workforce centers. All regional Rapid Response leads are expected to be members of the Rapid Response Team Room and to keep their contact information up-to-date. To request membership in the Team Room, contact Petra Chavez at 303-318-8818 or petra.chavez@state.co.us.

B. RESPONSIBILITIES OF LOCAL WORKFORCE CENTERS

1. Designation of a Local Rapid Response Lead
 - a. Each local workforce region designates a lead person to serve as the contact and service provider for local rapid response activities. Contact information regarding the local Rapid Response Lead must be kept up-to-date with the State Rapid Response Unit and www.e-colorado.org - Rapid Response Team Room whenever there is a change in person, phone, address, or email address. The workforce region can establish internal training procedures to ensure all new leads are trained, or they may request the State Rapid Response Unit provide the training.
 - b. The Statewide Rapid Response contact list (see attachment #1) is utilized to coordinate regional Rapid Response activities, to issue program updates and keep workforce center staff in touch with their counterparts in other regions. These connections are useful when contiguous regions must deal with the same layoff event. It is the responsibility of the local workforce center to ensure that the regional Rapid Response contact is trained and that their contact information is kept up-to-date.
2. Local Workforce Response to a Layoff
 - a. Layoff or closure affecting 25 or fewer workers:
 - i. The local workforce region has the option to take the lead in providing layoff transition services to the employer and affected employees in accordance with the Rapid Response guidelines. However, if the region is unable to provide the layoff transition services the state unit should be contacted, as soon as possible, to provide services.

- ii. The Rapid Response Lead in the workforce region where the affected employer is located should contact the SRRC to coordinate communications with the affected employer.
 - iii. A WARN/Layoff report (attachment #2) should be completed and emailed to Petra Chavez at Petra.Chavez@state.co.us or Chris Carman at Chris.Carman@state.co.us. These can also be faxed to the attention of Petra Chavez or Chris Carman at 303-318-8930, as soon as possible, for inclusion in the state's bi-weekly report. In the event that not all information is known, submit the report to the state unit with the known information and provide updates as more information becomes available.
- b. Layoff or closure affecting 25 or more workers:
- i. Upon receiving notification of a layoff or closure that affects more than 25 workers, the region should first contact the SRRC at 303-318-8840 to coordinate a response and ensure that duplicate contacts are not made. Any WARN notices that are received by the region must be immediately faxed to the SRRC at 303-318-8930.

NOTE: Regardless of the potential size of a layoff, if a local region has initial contact with an employer, they should notify the SRRC immediately to ensure there are not duplicate calls made to the employer.

3. Conducting Rapid Response Employer Planning Meetings (attachment #3)

- a. Employers must be contacted upon receipt of information about a layoff or closure. The purpose of the contact is to promote the benefits of the Rapid Response program and to schedule a planning meeting. During a planning meeting, inform employers of the informational sessions and services to assist dislocated workers and their families. An outline of the Layoff Transition Workshop can be provided (attachment #4). Sessions can be conducted on-site with the employer's permission. All interested parties should be invited to the planning meeting; which may include: union representation (if applicable), State Rapid Response Unit, workforce representative, Trade Adjustment Assistance (TAA) representative, and other interested parties identified by the employer.

NOTE: Unemployment Insurance (UI) does not have a representative available for planning meetings or workshops. However, UI is typically a concern for employers at the planning meetings. Advise employers of the UI video that will be shown to employees at the Layoff Transition Workshop and direct employers to contact the UI managers listed below to discuss all aspects of final pay issues and to receive an initial ruling of how "other pay" at termination impacts an employee's UI claim. Businesses should be directed to contact Janet Spiker – UI Manager at (303) 318-9421.

4. Conducting Rapid Response Workshops

- a. To assure program continuity and quality, it is important that the information discussed at the workshops be consistent throughout the state. Therefore, an outline for the Layoff Transition Workshops has been provided, see attachment #4. The outline should be modified to accommodate the length of the workshop and topics requested by an employer.
- b. Within each workshop, the facilitator is expected to present information regarding the local Dislocated Worker program. This also occurs in the State's workshop. As a result, the Rapid Response Lead in each region is responsible for updating the State Rapid Response Unit regarding local policy changes as they pertain to the Dislocated Worker program.
- c. Each workforce center has been given an Unemployment Insurance (UI) video to be shown at workshops. The State Rapid Response Unit will email any updates regarding pertinent UI information, and new versions of the UI tape will be mailed to each Rapid Response Lead when appropriate. The UI video includes an English version and a Spanish version.

C. LAYOFF/WARN NOTICE REPORTING REQUIREMENTS

1. State Rapid Response Reporting

- a. The SRRC is required to report all Rapid Response activities to the U.S. Department of Labor (USDOL) on a bi-weekly basis. This report must include information on all employer contacts, regardless of size, and the service provided.
- b. The State Rapid Response Unit must complete a Layoff/WARN Notice report whenever a WARN notice is received or contact is made with an employer regarding a layoff or closure.

2. Local Workforce Region Reporting

- a. Local workforce regions must complete a Layoff/WARN Notice report whenever a contact is made with an employer due to layoff or closure, utilizing attachment #2. The report should be completed and emailed to Petra Chavez or Chris Carman (Petra.Chavez@state.co.us / Chris.Carman@state.co.us), or faxed to attention above names at 303-318-8930, as soon as possible, for inclusion in the bi-weekly report. A partial report, even if the employer will not provide all the requested information, should be submitted. Provide the information that is known and note in the comments section that the employer was contacted, but would not or could not provide additional information. Then provide updates to the State when more information becomes available.

- b. When a workshop is held, the workforce region must forward a copy of the sign-in sheet(s) and the workshop evaluation forms to Petra.Chavez@state.co.us / Chris.Carman@state.co.us or by fax at 303-318-8930. (See attachments #5 and #6).
- c. In the event that individual packets are distributed to an employer or employees (not at workshops), the names of the recipients should also be provided on a sign-in sheet. The local workforce center should fax, mail or email this “running” sign-in sheet on a quarterly basis to the State Rapid Response Unit.

NOTE: Confidentiality of bi-weekly report and Layoff/WARN Notice – All documents that contains employer names, including the bi-weekly report, are confidential and shall not be released for public inspection. All inquiries regarding employers receiving services from the Rapid Response program are to be directed to the SRRC. All employer specific information, including names and known services from the Rapid Response program, shall be safeguarded from disclosure. It is the responsibility of the local Rapid Response lead to ensure that all workforce center staff in their region receiving such employer specific information is informed of the confidential nature of the information.

D. LIST OF ATTACHMENTS

- #1 Colorado Rapid Response Contacts
- #2 Layoff/ WARN Notice Report
- #3 Planning Meeting Outline
- #4 Layoff Transition Workshop Outline
- #5 Layoff Transition Workshop Sign-In Sheet
- #6 Layoff Transition Workshop Evaluation

III. IMPLEMENTATION DATE

Upon receipt of this PGL.

IV. INQUIRIES

Please direct all inquiries to:

Terry.Bohannon@state.co.us..... 303-318-8840
Petra.Chavez@state.co.us303-318-8818
Chris.Carman@state.co.us303-318-8825

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