

Washington State

Workforce Innovation and Opportunity Act Title I-B Policy

Policy Number: 5603, Revision 2

Policy Title: Rapid Response for the Workforce Innovation and Opportunity Act (WIOA) Title I and Trade Adjustment Assistance (TAA) Programs

Effective Date: January 13, 2021

1. **Purpose:**

The purpose of this policy is to:

- a. Delineate the roles and responsibilities of the Employment Security Department (ESD) and Local Workforce Development Boards (LWDBs) in the delivery of rapid response services;
- b. Ensure that ESD, LWDBs, and local rapid response teams provide rapid response services to workers and employers in a coordinated and timely manner that is tailored to the circumstances surrounding each dislocation event;
- c. Identify topics that must be addressed at rapid response events ([Attachment](#)); and
- d. Clarify the role of rapid response teams in identifying trade-related layoffs and closures and notifying ESD so the filing of Trade Adjustment Assistance (TAA) petitions can be explored.

2. **Background:**

The Workforce Innovation and Opportunity Act (WIOA) requires states to implement statewide rapid response activities to assist employers and impacted workers as quickly as possible following the announcement of a permanent closure, layoff, or natural or other disaster resulting in a mass job dislocation.

Four circumstances trigger initial rapid response activity:

- a. Worker Adjustment and Retraining Notification Act (WARN) notices. WARN ([Public Law 100-379](#)) is intended to offer protection to workers, their families, and their communities by providing notice at least 60 days in advance of *covered* plant closings and *covered* mass layoffs (covered refers to employers with 100 or more full-time employees). WARN requires that notice be provided to affected workers or their representatives, local government, and ESD Central Office. [20 CFR Part 639](#) identifies dislocation events that require WARNs. That information is also available on the U.S. Department of Labor's WARN [Fact Sheet](#).
- b. Trade Adjustment Assistance (TAA) petitions. The filing of a TAA petition requires ESD to ensure that rapid response assistance and appropriate career services are made

available to workers covered by the petition. If the TAA petition is certified by the U.S. Department of Labor (DOL), eligible workers are entitled to additional benefits, job search and relocation assistance, and training to help them return to suitable employment.

- c. Employer Requests. Rapid response is triggered when employers notify ESD or LWDBs of impending layoff events.
- d. Rapid Response Team Outreach. Rapid response is offered by local Rapid Response teams when reaching out to firms based on local business intelligence in the form of news stories, information from potentially impacted workers, labor market information, etc. The state strongly encourages LWDBs to deliver services to as many workers and companies as possible.

ESD is often an early point of contact for employers during major dislocation events, notably through WARN notices and the filing of TAA petitions. ESD responds to these dislocation events by establishing communication with LWDBs. From the initial information available, LWDBs and their rapid response teams determine the needs of workers and employers and coordinate and deliver rapid response services as appropriate.

ESD supports rapid response activities coordinated locally by LWDBs by assisting local rapid response teams, local government officials, employers and workers with resources such as funding, technical assistance, and labor market information.

3. Policy:

Roles and Responsibilities

a. Employment Security Department Central Office:

To ensure the effective delivery of rapid response services, ESD will maintain a functional statewide rapid response system by doing the following:

- i. Maintain administrative policies that support state and local rapid response activities.
- ii. Develop and operate a rapid response communications protocol among appropriate ESD divisions, LWDBs, and the Washington State Labor Council and, through those entities, WorkSource system partners, including community and technical colleges. The following describes the communication strategy:
 - A. Upon receipt of WARN notices, ESD initiates contact with affected employers to gather necessary information and note the availability of rapid response services.
 - B. ESD then notifies affected LWDB directors, designated rapid response leads, and other key partners, to include ESD field administrators, Unemployment Insurance (UI) Claim Center managers, TAA Program Operator, and Washington State Labor Council representatives.
 - C. ESD enters required information into the WARN database, and subsequently transmits the information to WARN listserv subscribers.

- iii. Notify LWDBs and local rapid response leads, ESD Regional Directors and WorkSource Administrators, UI Claim Center managers, and the Washington State Labor Council when a TAA petition is approved by DOL.
- iv. Upon request, provide LWDBs with assistance with rapid response events for layoffs or closures that do not meet the WARN threshold and are unrelated to TAA.
- v. Promote labor management or workforce transition committees for layoffs and closures. Upon request ESD will provide technical assistance in establishing committees and consider LWDB requests to fund such operations if needed.
- vi. When requested, and as appropriate, provide LWDBs with assistance in planning and overseeing strategies for layoff aversion.
- vii. Assist LWDBs in coordinating rapid response services with other resources, such as National Dislocated Worker Grants (NDWG), TAA funds, or dual enrollment NDWGs.
- viii. Assist LWDBs in the development of NDWG applications and provide a state review of NDWG applications that are to be submitted to DOL.
- ix. Develop and maintain a Rapid Response Event Number system and process that facilitates federal reporting of rapid response activities in the WIOA Title I and TAA programs through the Participant Individual Record Layout (PIRL).

b. Local Workforce Development Boards:

LWDBs are responsible for coordinating the provision of rapid response services at the local level. To ensure the effective delivery of rapid response services, LWDBs must:

- i. Establish, maintain, and direct local rapid response teams. Team members should include representatives from LWDBs, UI Claims Centers, WorkSource (one-stop) centers, to include a TAA representative, organized labor and/or Washington State Labor Council if applicable, community and technical colleges, and other stakeholders and interested parties.
- ii. Designate rapid response points of contact and identify those individuals to ESD Rapid Response Coordinator. Rapid response contacts may be LWDB administrative staff or designated local rapid response team members.
- iii. Oversee planning and coordination of rapid response events by rapid response teams. Rapid response events should be conducted in a way that best supports the businesses and workers at the work site of impacted workers, at locations or venues that are reasonably accessible by impacted workers or, if requested by businesses and workers or their representatives, virtual options (including “hybrid” in-person and virtual sessions) on dates and at times that do not conflict with the working hours of impacted shift workers.
- iv. Consult with ESD, state and local economic development organizations, and other entities to explore and deliver layoff aversion services when appropriate and timely.
- v. Contact employers and worker representatives (if applicable) to do the following:

1. identify layoff schedules and employer plans to assist dislocated workers, including the status of collective bargaining negotiations that might affect layoff benefits.
 2. Obtain information related to severance, separation pay, retirement incentives, and voluntary layoffs and provide it to the ESD UI Claims Center so the department can review and assess impacts, if any, on UI eligibility and provide appropriate guidance to impacted workers when they file UI claims.
 3. Inquire as to the role of foreign trade, if any, in precipitating layoffs or closures and, if trade impacts are cited, provide that information to the ESD TAA Program Operator so the department can independently or in coordination with the Washington State Labor Council follow up with employers to determine if the events warrant the filing of TAA petitions with the U.S. Department of Labor.
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- vi. Coordinate the delivery of rapid response layoff orientations for affected workers through their rapid response teams. Required topics for rapid response layoff orientations are described in the [Attachment](#). Local rapid response contacts will arrange for participation by local service providers in those sessions.
 - vii. Assess the needs of the impacted workers as quickly as possible through the use of surveys or other instruments that identify affected workers' skills and education and potential assistance needs. Note: DOL requires survey results if closures or layoff events are of a magnitude that compels the state to pursue National Dislocated Worker Grants (NDWGs).
 - viii. Determine the need for and promote a voluntary labor management committee or a workforce transition committee comprised of representatives of employers, affected workers or their representatives, and other community entities as necessary. The committees would assist in planning and overseeing event-specific strategies that support the reemployment of affected workers.
 - ix. Determine the need for peer worker outreach to connect dislocated workers with services in conjunction with labor management committees or their equivalents.
 - x. Consult and coordinate with appropriate labor representatives when planning rapid response activities for those impacted workers covered by a collective bargaining agreement. Rapid response teams must be cautious and avoid any actions that might impact collective bargaining negotiations and be aware of the impact that the offer of services and resources may have on the negotiation process, especially with respect to financial arrangements related to the provision of severance benefits.
 - xi. Initiate contact with employers to offer rapid response services if notified of a layoff or closure that does not meet the WARN threshold or is unrelated to a TAA petition filing to explore the need for and interest in rapid response services and to determine if there are trade impacts that might warrant the filing of a TAA petition.
 - xii. Notify and coordinate with appropriate one-stop operator(s) when rapid response events are completed so local WorkSource sites can assume responsibility for service delivery to laid off workers who are interested in accessing career, training, supportive, and other relevant services available through the one-stop system.

4. Definitions:

None.

5. References:

- [Training and Employment Guidance Letter \(TEGL\) 4-20, Integrating Services for TAA & WIOA programs, Section 4.b](#)
- [Public Law 113-228, Workforce Innovation and Opportunity Act of 2014, Section 134\(a\)\(2\)\(A\)](#)
- [WIOA Final Rule, 20 CFR 682, Subpart C, 682.300-370](#)
- [TAA Final Rule 20 CFR 618, Subpart C](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16, Section 18](#)
- [Training and Employment Notice \(TEN\) 23-14, How-to-Guide for completing a petition for TAA](#)
- [Training and Employment Notice \(TEN\) 09-12, Layoff Aversion in Rapid Response Systems](#)
- [Training and Employment Notice \(TEN\) 32-11, Rapid Response Self-Assessment Tool](#)
- [Training and Employment Notice \(TEN\) 31-11, Rapid Response Framework](#)

6. Supersedes:

WIOA Title I Policy 5603 - Rapid Response for the Workforce Innovation and Opportunity Act (WIOA) Title I and Trade Adjustment Assistance (TAA) programs dated December 15, 2019.

7. Website:

[Workforce Professionals Center](#)

8. Action:

Local Workforce Development Boards and their contractors must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

[Rapid Response Layoff Orientation Required Topics](#)

Direct Inquiries To:

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Attachment

Rapid Response Layoff Event/Orientation Required Topics

Rapid response layoff orientations are informational sessions for impacted employees where they can learn about one-stop services and resources available to them. These orientations are conducted by local rapid response teams and are generally held at the employment site prior to a layoff. In order to ensure that consistent information is provided to impacted workers, the following information, at a minimum, must be provided at rapid response layoff orientations:

- Unemployment Insurance
- Training Benefits program
- Commissioner Approved Training
- Wagner-Peyser Employment Services
- WIOA Title I Dislocated Worker program
- Veteran's Priority of Service
- Community and technical college programs and resources for dislocated workers
- Trade Adjustment Assistance and Trade Readjustment Allowance, if it is established that the layoff or closure is trade-related and regardless of whether a TAA petition is filed.
- Other WorkSource (One-Stop) partner programs deemed necessary and appropriate.