**Workforce Investment Act Title I-B
Washington State Policies

**

**SECTION B: Dislocated Worker Services**

*Grantees, subrecipients, and contractors funded under the Workforce Investment Act, (WIA) whether in whole or in part, must abide by the Workforce Investment Act of 1998, the WIA Regulations, all applicable Office of Management and Budget (OMB) circulars, state regulations in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial Management (OFM) policies, and the Washington State WIA policies.*

|  |  |
| --- | --- |
| **EFFECTIVE DATE:WIA POLICY NUMBER:SUBJECT:** | March 1, 20043930 - Revision 1Rapid Response - Workforce Investment Act andTrade Adjustment Assistance Reform Act  |

[BACKGROUND](http://www.wa.gov/esd/1stop/policies/documents/archive/3930.htm#BACKGROUND) | [POLICY](http://www.wa.gov/esd/1stop/policies/documents/archive/3930.htm#POLICY) | [REFERENCES](http://www.wa.gov/esd/1stop/policies/documents/archive/3930.htm#REFERENCES)[SUPERSEDES](http://www.wa.gov/esd/1stop/policies/documents/archive/3930.htm#SUPERSEDES) | [WEBSITE](http://www.wa.gov/esd/1stop/policies/documents/archive/3930.htm#WEBSITE) | [INQUIRIES](http://www.wa.gov/esd/1stop/policies/documents/archive/3930.htm#INQUIRIES)

**BACKGROUND**The Workforce Investment Act (WIA) of 1998 requires that each state establish a State Dislocated Worker Unit (DWU) to implement statewide rapid response activities to assist employers and impacted workers as quickly as possible, following either a permanent closure or mass layoff, or a natural or other disaster resulting in a mass job dislocation. There are two major events that trigger initial rapid response activity from the State DWU.

1. The filing of a Worker Adjustment And Retraining Notification Act (WARN) notice. The WARN notice (Public Law 100-379) is intended to offer protection to workers, their families and communities to provide notice 60 days in advance of covered plant closings and covered mass layoffs. This notice must be provided to affected workers or their representatives, local government, and the State DWU. The WARN Final Rule (20 CFR Part 639), identifies which dislocation events require a WARN notice.
2. The filing a Trade Adjustment Assistance Reform Act (TAA) of 2002 petition. The filing of a TAA petition requires that the State DWU must ensure that rapid response assistance and appropriate core and intensive services are made available to workers covered by the petition.  If the TAA petition is approved the eligible workers are entitled to additional benefits and training opportunities to assist in their return to work.

**POLICY**

This policy ensures the State Dislocated Worker Unit (DWU), Workforce Development Councils (WDC) and local Rapid Response Teams will provide rapid response services to workers and employers in a coordinated and timely fashion tailored to the unique circumstances of each dislocation event.

Rapid response services will be provided to workers and employers prior to dislocation events if possible or immediately following notification of the dislocation event provided that such actions would not adversely impact any ongoing collective bargaining negotiations related to the dislocation event. RapidResponseteams must consult with appropriate Labor representatives when WIA programs will serve union members.

This policy sets forth the roles and responsibilities of the State DWU and Workforce Development Councils (WDC) relative to the delivery of rapid response activities under the Workforce Investment Actand Trade Adjustment Assistance Reform Act.

Roles and Responsibilities of the State Dislocated Worker Unit:

The State Dislocated Worker Unit (DWU) has responsibility to ensure statewide rapid response activities are provided to dislocated workers and workers who are about to be laid off from their jobs. The State DWU will initiate employer contacts and other initial rapid response activities in major dislocation events including WARN notices and TAA petitions. The State DWU will assist Local Rapid Response Teams as appropriate or requested on smaller local dislocation events.

The State DWU will maintain administrative policies and procedures that support statewide rapid response assistance. The State DWU will develop and operate a rapid response communications strategy among the WDCs, WorkSource, Labor Organizations, Community and Technical Colleges, and other Employment Security Department (ESD) agency divisions. Rapid Response Statewide Communication Teams have been established for each of the Workforce Development Areas. The State DWU may consult with Statewide Communication Team partners to begin formulating strategies for carrying out rapid response activities for major dislocation events.Roles and Responsibilities of Local Workforce Development Councils:

The Workforce Development Councils (WDC) have the responsibility to provide rapid response services at the local level. The WDC is also responsible to notify the State DWU if the WDC or local Rapid Response Team or local partners become aware of a substantial layoff or closure event or the filing of a TAA petition.

The WDC is responsible to maintain local Rapid Response Teams and identify a rapid response point of contact to coordinate with the State DWU. Local Rapid Response Teams, in conjunction with State Dislocated Worker Unit and the WDC, will plan for and deliver (on-site if possible) assistance for dislocation events with the employer, labor or representatives of the affected workers.

WDC operational plans should reflect the current rapid response strategy for the coordination of resources and delivery of services.

Shared Responsibilities of Local Workforce Development Councils and the State Dislocated Worker Unit

The State DWU, WDCs, local Rapid Response Teams, and local service providers must be fully cognizant of any ongoing collective bargaining negotiations related to a plant closing or layoff event. Rapid response staff must be cautious and avoid actions, to the maximum extent possible, that may impact this negotiation process. They must 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. RapidResponseteams must consult with appropriate Labor representatives when WIA programs will serve union members.

Details of the roles and responsibilities of the WDC’s and the State DWU on this policy are provided in Attachment A.

**REFERENCES**Workforce Investment Act, Section 101, (38) Rapid Response ActivitiesSection 134,
(2A) Statewide Rapid Response Activities WIA 20 CFR 665.310, 671.160, Trade
Adjustment Assistance Reform of Act 2002, Section 112(a) and 20 CFR Part 639, the
Worker Adjustment and Retraining Notification (WARN) Act and Final Rule

**SUPERSEDES**

Workforce Investment Act (WIA) Rapid Response Policy 3930

**WEBSITE**

  [www.wa.gov/esd/1stop](http://www.wa.gov/esd/1stop)

**DIRECT** **INQUIRIES TO:**

Dennis Birge WorkSource Standards & Integration Division
Employment Security Department
P.O. Box 9046 , MS 6000
Olympia , WA    98507-9046
E-Mail: dbirge@esd.wa.gov Telephone: (360) 438-4022
Fax: (360) 438-3174

ATTACHMENT A

Rapid Response Policy #3930 - Revision 1

Washington State has been very successful in the development of rapid response activities and the coordination of those activities to maximize the benefits to dislocated workers and employers. This policy and attachment are intended to clarify and support the flexibility of the Washington State system for delivery of rapid response assistance and to continue to meet the requirements of unique dislocation events.

Rapid response represents the effort by federal, state, and local officials, to help impacted workers as quickly as possible upon notification that a layoff will occur. Rapid response involves coordinating and sharing information to facilitate access to programs and services that can assist individuals in finding new employment. Rapid response should be viewed as a beginning of a process to help dislocated workers return to work as quickly as possible.

Rapid response services are provided to dislocated workers regardless of the reason for the layoff or closure (e.g., Trade Adjustment Assistance (TAA) impacted, company downsizing, restructuring, natural disaster, plant relocation, bankruptcy, etc.). When rapid response services are completed, the local WorkSource system assumes responsibility for providing ongoing core, intensive, and other appropriate services.

Rapid response normally begins with one of the following actions:

Notification is received of a forthcoming layoff or plant closure, as required by the Worker
Adjustment and Retraining Notification (WARN) Act

The employer voluntarily notifies the local WDC, WorkSource office, Unemployment Insurance (UI) TeleCenter, local Rapid Response Team, or the State DWU of an impending event

The State DWU becomes aware of such an event through public notices and other sources

A new petition for TAA is filed with the State DWU

The State Dislocated Worker Unit (DWU) coordinates (as appropriate) and supports rapid response activities provided locally by the Workforce Development Councils (WDC). The State DWU is the focal point in assisting local Rapid Response Teams, local government officials, employers and workers by providing resources such as funding, technical expertise and assistance, and labor market information.

The State DWU is generally the first point of contact for employers in major dislocation events including WARN notices and new TAA petitions. The State DWU responds to a dislocation event by establishing communication with local rapid response partners, (and Statewide Communication Team partners as necessary), initially by telephone, fax, or e-mail. State DWU and local partners determine what initial information is available, assess the immediate needs of the workforce and the employer to establish appropriate “first steps” in responding as a workforce system, and formulate strategies for planning and carrying out initial rapid response activities.

Rapid Response partners may include:

State Dislocated Worker Unit
Workforce Development Councils
WorkSource Centers
Unemployment Insurance Program
Organized Labor / Worker Representatives
Washington State labor Council
Reemployment Support Centers (when applicable)
Community and Technical Colleges

Local Workforce Development Councils

To ensure the effective delivery of rapid response services each Workforce Development Council is responsible for the following:

1. Establish and maintain local a Rapid Response Team. Members of the team may include representatives from the WDC, UI TeleCenter, WorkSource, Labor Organizations, Reemployment Support Centers (when applicable), Community and Technical Colleges, and other interested parties. Identify a Rapid Response point of contact to coordinate with the State DWU. A rapid response point of contact could be a WDC administrative staff or a designated local Rapid Response Team member.
2. Plan for and deliver (on-site if possible) assistance for dislocation events. The Local Rapid Response Team, in conjunction with the State DWU and the WDC, provides rapid response activities. The rapid response assistance generally includes the following activities:

1.   Determine proposed layoff schedule and what employer plans are to assist the
      dislocated workers, including the status of any collective bargaining negotiations
      affecting layoff benefits.

2.   Inform the State DWU of any information related to severance, separation pay,
      retirement incentives, and voluntary layoffs so that the U I Administration can review
      and determine UI eligibility.

3.   Coordinate the delivery of rapid response orientation sessions for affected workers in
      conjunction with the State DWU. The local rapid response contact person will arrange
      for the participation of the appropriate local service providers in these sessions.

4.    Assess reemployment prospects for workers in the local community.

5.   Use of a survey is recommended (but not required) to determine workforce skill
      background and other related information to identify the probable assistance needs of
      the affected workers.

6.   Consult with the State DWU, state and local economic development organizations, and
      other entities to avert potential layoffs.

7.   Maintain an inventory of available workforce resources for on-site meetings to meet the
      short and long-term assistance needs of the affected workforce.

8.   Determine the need and promote (if feasible) a voluntary labor-management committee
      or a workforce transition committee comprised of representatives of the employer,
      affected workers or their representatives, and other community entities as necessary.
      The committee would assist in planning and overseeing an event specific strategy that
      supports the reemployment of affected workers.

9.   In conjunction with the labor-management committee or its equivalent, determine the
      need for peer worker outreach support to connect dislocated workers with services.

10.  Coordinate and consult with appropriate Labor representatives when planning rapid
       response activities for impacted bargaining unit members.

11.  Ensure procedures are in place for the timely access and referral to WorkSource
       programs and information such as Dislocated Worker, UI, TAA programs and other
       necessary services.

State Dislocated Worker Unit

To ensure the effective delivery of rapid response services the State Dislocated Worker Unit will maintain an effective statewide rapid response system to ensure the regular exchange of information related to federal Worker Adjustment and Retraining Notification (WARN) Act and Trade Adjustment Assistance Act events and other potential dislocations. The State DWU is responsible for the following rapid response activities:

A.   Maintain administrative policies and procedures that support rapid response assistance.

B.   Develop and operate a rapid response communications strategy among the WDCs,
       WorkSource, Labor Organizations, Community and Technical Colleges , and other ESD
       agency divisions.  The following describes the communication strategy:

When the State DWU receives a WARN notice or TAA petition or learns about a substantial layoff or closure event, they will immediately notify the local rapid response contact person (and Statewide Communication Team partners as necessary) to discuss the event status. Copies of the WARN and/or Trade Act petition notice will also be sent to the WDC, ESD Region, WorkSource, UI TeleCenter, Reemployment Support Centers (when applicable), and State Labor Council. The State DWU and the local rapid response contact person will discuss the event status and begin formulating strategies for carrying out rapid response activities. In most cases, the State DWU will respond to the business and introduce rapid response services.

When a WDC or local Rapid Response Team or local partners becomes aware of a substantial layoff or closure event, they will notify the State DWU. The State DWU and local rapid response contact person will discuss the event status and begin formulating strategies for carrying out rapid response activities.

When a WDC or local Rapid Response Team or local partners becomes aware of a layoff or closure event that does not meet the WARN threshold or is non-TAA related, they will initiate rapid response as described in their local operational plan.

C.   Arrange for an on-site initial meeting with employers and employee representatives (in conjunction with the local rapid response contact person), assess layoff schedule, determine employer plans to assist the workers, and introduce appropriate on-site rapid response activities for WARN and TAA related events.

D.   Plan for on-site assistance for WARN and TAA related events with the employer, labor organization, or representatives of the affected workers in conjunction with the local rapid response contact person.

E.   Coordinate and facilitate the delivery of rapid response orientation sessions for affected workers in conjunction with the WDC and local Rapid Response Team. In most instances, the State DWU will make arrangements for the participation of the U I TeleCenter and Washington Basic Health representative (when appropriate) in these sessions.

F.   Notify the WDC, Employment Security Department (ESD) Region, WorkSource, UI TeleCenter, Reemployment Support Center (when applicable) and the State Labor Council when a TAA petition is approved by DOL. Arrange for the appropriate TAA orientation in conjunction with the local rapid response contact person, WorkSource, and the Unemployment Insurance Division Trade Readjustment Allowance Unit.

G.  Provide the local WDC (upon request) with assistance needed for a layoff or closure event that does not meet the WARN threshold or is non-TAA related.

H.   Promote the utilization of labor-management or workforce transition committees. The State DWU will provide technical assistance for operation of committees and provide funding for the operation costs.

I.    May assist in planning and overseeing program strategies for layoff aversions.

J.   Assist local WDC's in coordinating rapid response services with other available resources such as, National Emergency Grant (NEG) funds and/or Trade Act funds.

K.   Assist local WDC's in the development of NEG applications (where appropriate and provide a state review of NEG applications submitted to the U.S. Department of Labor.