

OKLAHOMA STRATEGIC WORKFORCE DUAL ISSUANCE 03-2012

DATE: October 16, 2012
TO: WIA Board Staff
Local Office Managers
Workforce Services Management
PROGRAMS: WIA, W-P, TAA
FROM: Norma Noble
Deputy Secretary of
Commerce for Workforce
Development
Richard McPherson
Executive Director, OESC

SUBJECT: **Rapid Response Guidance**

PURPOSE: To provide information and guidelines for Rapid Response activities conducted by the State and/or Local Rapid Response Teams and to establish a basic standard of service for Rapid Response activities statewide.

BACKGROUND: Rapid Response assistance is provided for workers who are dislocated due to plant closures and substantial layoffs. For many workers who have been dislocated due to a layoff or plant closure, early intervention can play an important role in their successful reemployment and can help workers and communities adjust to the effects of layoffs and plant closings. In August 1988, Congress enacted the Worker Adjustment and Retraining Notification Act (WARN) to offer protection to workers, their families and communities by requiring employers to provide notice 60 days in advance of covered plant closings and covered mass layoffs. This notice must be provided to either affected workers or their representatives (e.g., a labor union); to the Oklahoma Department of Commerce (ODOC) Workforce Solutions Division; and to the appropriate unit of local government. More information about the WARN Act and its requirements may be found at <http://www.doleta.gov/layoff/warn.cfm>.

Rapid Response is a required activity under the Workforce Investment Act (WIA) to be carried out by the State in conjunction with the Local Workforce Investment Board (LWIB) and Chief Elected Officials. The ODOC Workforce Solutions Division manages Rapid Response activities to ensure the planning and delivery of services that enable dislocated workers to transition to new employment as quickly as possible in the event of a mass layoff/closure or a natural or other disaster.

OSWDI 03-2012

WIA §101(38) defines the term “Rapid Response” to mean an activity provided by a State, or by an entity designated by a State, with funds given to the State under WIA §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 WIA §101(9)] in obtaining reemployment as soon as possible, with services including:

- The establishment of onsite contact with employers and employee union representatives immediately after the State Rapid Response Coordinator (SRRC) and/or Area Manager is notified of a current or projected permanent closure or mass layoff, or in the case of a disaster, immediately after the SRRC and/or Area Manager is made aware of mass job dislocation as a result of such disaster;
- The provision of information and access to available employment and training activities;
- Assistance in establishing a labor-management committee, voluntarily agreed to be labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of the dislocated workers and obtaining services to meet such needs;
- The provision of emergency assistance adapted to the particular closure, layoff, or disaster; and
- The provision of assistance to the local community in developing and coordinating a response and in obtaining access to State economic development assistance.

ACTION: This OSWDI is effective immediately and should be made a part of your permanent records. Copies should be distributed to appropriate staff.

RESCISSIONS: OETI #03-2011

ATTACHMENTS:

- RR Attachment – Sample Layoff Transition Workshop Agenda

REQUIRED FORMS: (included with this OSWDI)

- Rapid Response Layoff / Closure Information (RR Layoff/Closure Form 1)
- Layoff Transition Workshop Sign-In Sheet (RR Employee Sign-in Form 2)
- Rapid Response Employee Needs Survey (RR Employee Needs Form 3)
- Rapid Response Employee Satisfaction Survey (RR Employee Satisfaction Form 4)

INQUIRIES: If you have questions pertaining to this issuance, please contact Vikki Dearing at Vikki_Dearing@OKcommerce.gov (405) 815-5114.

Rapid Response Policy and Procedures

A. RESPONSIBILITIES OF ODOC WORKFORCE SOLUTIONS DIVISION SRRC

1. The ODOC Workforce Solutions Division provides guidance and assistance to the Local Rapid Response (RR) Teams to ensure consistency in statewide operations and in the delivery of basic Rapid Response services. The State Rapid Response Coordinator (SRRC) is responsible for the initial contact with all employers from whom a WARN notice is received. An employer who submits a WARN notice will be contacted within 48 hours of receipt by the SRRC. The SRRC will provide a general overview of Rapid Response services to the employer and give the employer the contact information for the Local RR Team Leader in that Workforce Investment Area. The SRRC will contact the Local RR Team Leader to ensure that contact is made with the affected employer to schedule an initial planning meeting. Any notification other than a WARN notice will be the immediate responsibility of the Local RR Team Leader for that Workforce Investment Area.

The SRRC may receive notification or communication of a layoff or plant closure in a number of ways. Examples of notification that warrants contact with an employer include:

- Telephone contact from workers facing a potential layoff;
- Communication from Oklahoma Employment Security Commission (OESC) staff and Workforce Development partners;
- News articles or public announcements; and
- Worker Adjustment and Retraining Notification letters (WARN notices).

In partnership, the SRRC and the Local RR Teams will engage in an ongoing information gathering process and establish contacts that can provide information to dislocated workers. The SRRC is responsible for ensuring that layoff/closure information is correct and up-to-date on the ODOC website.

2. The OESC Area Managers are responsible for maintaining and providing updated copies to the SRRC of lists of Local RR Team member contacts for each Workforce Investment Area to aid in coordinating area-wide Rapid Response activities, and when appropriate, to issue guidance on program updates to Local RR Team members from different partnering agencies.
3. The SRRC will maintain and update Rapid Response materials and ensure timely delivery of these materials to Local RR Teams when requested.
4. The ODOC Workforce Solutions Division and OESC Area Managers will provide training and technical assistance to Local RR Teams as requested. As part of on-going technical assistance, the SRRC will facilitate quarterly meetings with the OESC Area Managers or their designee.

B. RESPONSIBILITIES OF LOCAL RR TEAMS

1. Designation of the Local RR “Team Leader” Responsible for Team Coordination

- a. Area Managers of each Workforce Investment Area will serve as the designated lead person for the local Rapid Response activities within their areas.
 - b. Area Managers are responsible for coordination of Local RR Team members and will report any changes of contact information regarding team members to the SRRC as soon as they occur.
2. Workforce Investment Area Response to Notification of Layoff or Closure
- a. Upon receiving a WARN or non-WARN notification of a layoff or closure within the Workforce Investment Area, the Local RR Team Leader will immediately e-mail the notice to the SRRC, who will then contact the employer within 48 hours after receipt of notice. The SRRC will verify the WARN layoff, briefly explain Rapid Response services that are available to the affected workers and inform the employer that they will be contacted by the Local RR Team Leader to schedule an initial planning meeting.

These same procedures will also apply when the notification is a non-WARN notice; however, the Local RR Team Leader will have the responsibility of contacting the employer. The Local RR Team Leader will inform the employer of Rapid Response services that are available to the affected workers and schedule an initial planning meeting and contact the SRRC. After the initial planning meeting has been scheduled with the employer, the Local RR Team Leader must inform all relevant parties of its time and location.
 - b. During the initial telephone contact with the employer, the Local RR Team Leader must complete the RR Layoff/Closure Information form. The Local RR Team Leader must e-mail this information to the SRRC immediately for inclusion in the state's monthly report. In the event that not all information is known, the form must be submitted to the SRRC with the known information, and the Local RR Team Leader will provide additional information as it becomes available.
3. Conducting RR Employer Initial Planning Meeting
- a. Employers will 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 the planning meeting, the Local RR Team Leader will inform the employer of the Layoff Transitional Workshop and services available to assist dislocated workers and their families during this period of transition. The employer's representative should be given a copy of the Dislocated Worker Rapid Response Handbook to illustrate the information that will be covered during the Layoff Transition Workshop. All interested parties are to be invited to the initial planning meeting, including union representatives, TAA representatives and other interested parties identified by the employer. The Rapid Response Layoff/Closure Information form will be emailed to the SRRC following the Initial Planning Meeting.

NOTE: If a company is represented by a union, the Local RR Team Leader will be responsible for informing the union representative of the initial planning meeting.
 - b. Information and discussion during the initial planning meeting should include:

- Available programs, service providers, and resources in the local areas such as job training, unemployment insurance, reemployment services, Trade Adjustment Assistance, and financial counseling to meet the short and long-term assistance needs of the affected workers;
- Rapid Response format, content, and benefits to the employer and employees;
- Gather information about the employer's layoff plans and schedule;
- Identification of the employees affected by the layoff, their current wage scale, occupations, skill levels, and length of service;
- Company benefits available to employees, e.g., severance pay, job development/job search activities, relocation or reemployment opportunities, outplacement services, etc.;
- Probable assistance needs of the affected workers;
- Reemployment prospects for workers in the local community; and
- Potential for averting the layoff or closure may be discussed in consultation with state or local economic development agencies, including private sector entities such as the local Chamber of Commerce.

NOTE: The Local RR Team Leader should develop a checklist to use during the initial planning meeting to ensure that all necessary items are addressed.

- c. Unemployment Insurance (UI) is typically a concern for the employer at the initial planning meeting. If UI does not have a representative available to attend this meeting, the Local RR Team Leader should advise the employer that both the Rapid Response Video and the Rapid Response handout materials presented at the Layoff Transition Workshop will cover important aspects of unemployment insurance for affected workers. If a UI representative is unable to attend the initial planning meeting, contact information for the designated UI representative will be given to the employer in the event that they have additional questions or concerns.

4. Conducting the Layoff Transition Workshop

- a. The Local RR Team Leader will schedule the date(s) of the Layoff Transition Workshop during the initial planning meeting with the employer. If possible, Layoff Transition Workshops should be held onsite at the place of employment. If an onsite meeting is not possible, other locations should be explored, such as local Career Technology Centers or Workforce Centers, etc.
- b. An agenda is required for all workshops. The Local RR Team Leader is in charge of all meetings using the agenda and the Dislocated Worker Rapid Response Handbook as a guide. Attachment A – Sample Agenda has been included in this policy as a template for the Layoff Transition Workshop agenda. The agenda may be modified to accommodate the length of the workshop and any other topics that need to be addressed as requested by the employer. The Local RR Team Leader must e-mail the agenda to the SRRC prior to the scheduled Layoff Transition Workshop.
- c. Most transitional workshops should last no longer than 1.5 hours and should be scheduled to meet the needs of the employer and the affected workers.

- d. To ensure workshops are consistent throughout the State, the Oklahoma Rapid Response Video will be shown and the Rapid Response handbook reviewed along with any other materials. The workshops, at a minimum, must cover:
- Oklahoma Rapid Response Videos
 - Unemployment Insurance Review
 - Re-employment Services
 - Dislocated Worker Program/Services
 - Available assistance from other federally funded programs, and
 - A review of the Dislocated Rapid Response Handbook
- e. The ODOC Workforce Solutions Division will provide the Dislocated Worker Rapid Response Handbook to all local areas. This handbook contains standard information that applies to dislocated workers statewide and it is the responsibility of the Local RR Team to insert additional materials relevant to the particular area and type of layoff. The Local RR Team Leader will request copies of the Dislocated Worker RR Handbook, the three-page UI document, and the required forms. Requests for packet material must be requested as soon as Layoff Transition Workshops are scheduled to allow a reasonable time for delivery.
- f. A corresponding Oklahoma Rapid Response transition video has been created to supplement the information provided by presenters at the Layoff Transition Workshop, when appropriate. The Local RR Team Leader is responsible for ensuring access to this DVD.
- g. The Local RR Team will assess the needs of the affected workers by administering the Rapid Response Program Employee Needs Survey (RR Employee Needs Form 3). The Local RR Team Leader is responsible for collecting these completed surveys and delivering them to the local Workforce Center Manager. The local Workforce Center is responsible for reviewing the completed Rapid Response Program Employee Needs Surveys and conducting outreach and follow-up according to the indicated needs of affected workers.
- h. In addition, the Local RR Team Leader is responsible for collecting completed Rapid Response Employee Satisfaction Surveys (RR Employee Satisfaction Form 4) and the Layoff Transition Workshop Sign-In Sheet (RR Sign-in Form 2). Following the completion of a Layoff Transition Workshop, the Local RR Team Leader will forward a copy of completed Rapid Response Employee Satisfaction Surveys) and Layoff Transition Workshop Sign-In Sheets to the SRRC.
- i. In the event that individual packets are distributed to an employer or employees (not a workshop), names of recipients should be emailed to SRRC.

C. LAYOFF/WARN NOTICE REPORTING REQUIREMENTS

1. State Rapid Response Reporting

- a. The SRRC is required to report and keep track of all RR activities. This report must include information on all employer contacts, how many employees were affected, when the layoff/closure took place, and what services were provided.
- b. The SRRC will input WARN and Non-WARN Notices in Oklahoma JobLink (OJL) whenever a notice is received or contact is made with an employer regarding a layoff or closure. If the information provided by the employer in a layoff/closure notice is for public release, the SRRC shall update the statewide electronic WARN notification system (within 48 hours) in order to inform the appropriate agencies and local Workforce Centers of layoff/closure/WARN activities.
- c. In order to access summaries of all WARN and non-WARN listings relevant to Oklahoma, , visit the ODOC website at www.OKcommerce.gov From there, mouse over *Navigation*, click on *Workforce Development* and then click on *Rapid Response Layoffs and Plant Closures* on the menu on the left side of the page.

2. Local RR Reporting

- a. The Local RR Team Leader will submit Rapid Response Layoff/Closure Information (RR Layoff/Closure Form 1) each time initial contact is made with an employer regarding a layoff or closure. The report must be completed and emailed to the SRRC within three working days of initial contact for inclusion in the monthly report. If the employer will not provide all requested information, a partial report should be submitted.