



TO: All Humboldt County Workforce Innovation and Opportunity Act (WIOA) Staff, Subrecipients and Service Providers

FROM: Humboldt County Workforce Development Board

EFFECTIVE: March 14, 2019

SUBJECT: Rapid Response Assistance and Services

REFERENCES: California Labor Code Sections 1400-1408
California's Strategic Workforce Development Plan: 2013-2017
CalJOBS Customer Relations Management Module (December 30, 2015)
Training and Employment Guidance Letter (TEGL) 03-15
Training and Employment Notice (TEN) 03-10, 09-12, 31-11
Title 20 CFR Section 682.300-340
Workforce Investment Act Directive (WIAD) 02-9, 04-22, 05-18
WIOA (Public Law 113-128) Sections 3(15) and (51), 107(d)(4), and 134(a)(2)(A)
Workforce Services Directive (WSD)12-3, 13-1, 15-23, 15-19
Workforce Services Information Notice (WSIN) 15-21

PURPOSE

The purpose of this policy is to provide guidelines regarding the execution of services and preparation of quarterly reports regarding Rapid Response Activities related to Workforce Innovation and Opportunity Act (WIOA) programs provided by the Humboldt County Workforce Development Board (HC-WDB) and WIOA One-Stop Partners within the America's Job Centers of California (AJCC) in Humboldt County. These reports are designed to capture and report rapid response activities to assist workers and businesses at risk of layoff or affected by layoff, as well as the number of employees affected. These activities are part of an AJCC Partner's overall Rapid Response strategy.

BACKGROUND:

Federal law requires that states set aside not more than 25 percent of their WIOA Dislocated Worker funding for two statewide activities:

1. Rapid Response to assist workers and businesses at risk of layoff or affected by layoff.
2. Additional Assistance for Local Boards to apply for if there is a significant increase in unemployment in their areas caused by plant closure, downsizing, natural disaster, or

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“other events.”

Federal law provides discretion to the Governor to develop specific policy. In California, current policy is to formula-allocate the Rapid Response funds (half of the total 25 percent funds) to Local Workforce Development Areas. WIOA requires states and Local Areas to include layoff aversion as an integral component of Rapid Response policy.

POLICY AND PROCEDURE

Rapid Response

The primary purpose of Rapid Response (which includes layoff aversion activities) is to enable affected workers to return to work as quickly as possible following a layoff, or to prevent layoffs altogether. To accomplish this, One Stop Partners must be coordinated, comprehensive, and proactive in communicating with business. This includes providing labor market and workforce information, integrating industry requirements into training strategies and career pathways, brokering relationships and job connections, making services efficient and easy to access and coordinating with regional partners to reduce duplication.

Partners must facilitate relationship building between employers, labor organizations, workforce and economic development agencies, training institutions, service providers, community-based organizations and other appropriate entities. These relationships provide timely information and help assure an early warning system is in place to allow a timely and effective response to potential layoffs and business closures.

Required Rapid Response activities include:

- Conducting planning meeting with employer
- Assessing layoff aversion potential
- Conducting orientation meeting with employees
- Providing Trade Adjustment Assistance (TAA) orientation
- Delivering/mailling Rapid Response informational materials
- Providing access to CalJOBS
- Job fair or information expo focused on one or more dislocation events, at or not at the dislocation site
- Coordinating Labor-Management/Workforce Transition Committee
- Providing information about services available in the AJCCs and setting up systems to provide on-site access to information and services
- Providing training orientation on industry specific opportunities
- Providing resources for food, shelter, clothing and other emergency assistance
- Conducting Business Engagement Activities
- Conducting Research on Business Activities
- Devising layoff aversion strategies with employer
- Providing layoff aversion technical assistance to employer
- Conducting business services workshops
- Training affected workers to upgrade skills for another position in company

Allowable Rapid Response activities include:

- Attending Regional Roundtable meetings and/or calls
- Attending conferences
- Conducting interview technique workshops
- Conducting job search assistance and resume writing workshops

The following are prohibited in relation to Rapid Response activities:

- Completing Unemployment Insurance applications
- Job fair or information expo not related to a dislocation event

Notes:

- Customized training, dislocated workers services, and employment services are not generally paid for with Rapid Response funding—prior permission from the HC-WDB Executive Director must be obtained if a Partner wishes to do so.
- The scope of business solutions that may be provided at Rapid Response events is not restricted to the activities described above. The HC-WDB may leverage other local or state funding sources to provide a broader scope of business solutions. Examples include assisting with TAA, Unemployment Insurance claim filing, economic development, financial assistance counseling, and mental health counseling.

Reporting

The HC-WDB Executive Director will report participant enrollments receiving incumbent worker training using

- Rapid Response formula funds under grant code 2274.
- Layoff Aversion funds under grant code 2274.

Report Information and Instructions

Partners will complete Rapid Response (121 Reports)/Layoff Aversion (122 Reports) quarterly. The reports shall contain data for a year, beginning on April 1 and ending on March 31.

Reports shall be submitted to HC-WDB Executive Director within fifteen days after the end of the quarter:

- First Quarter (April 1-June 30) – Report due July 15
- Second Quarter (July 1-September 30) – Report due October 15
- Third Quarter (October 1-December 31) – Report due January 15
- Fourth Quarter (January 1-March 31) – Report due April 15

*Please note: These quarters adhere to the mandated Employment Development Department Layoff Aversion 122 Report.

Following is a link to a template of the report, along with a copy of the instructions for completing the report:

- 121 Report Template
- 121 Report Instructions
- 122 Report Template
- 122 Report Instructions

Each quarter's report will contain cumulative numbers, beginning on April 1 of each year through the end date of the quarter being reported.

Rapid Response Reporting Requirements (121 Report)

Activities reported on the **Rapid Response 121 Report** are those relating to employer contacts in response to layoffs or closures, as defined by the California Workforce Development Board.

Reportable employer contacts include Worker Adjustment and Retraining Notification (WARN) and non-WARN events. The Rapid Response 121 Report must be completed to report employer contacts by local area staff when conducting layoff/closure orientations with 10 or more affected workers ONLY, and/or layoff or closure planning meetings. Planning meetings and/or orientations of nine or less employees are for information only and will not be used in the calculation of the dislocation-based formula funding factor.

Complete a separate line item entry for each employer contact occurring on different days, locations, or employers. Complete a single line item entry if multiple sessions are conducted on the same day, for a single employer with the note of how many multiple orientations were made that day.

Note – this is a cumulative report.

Layoff Aversion 122 Report

The Layoff Aversion 122 Report is specifically developed to capture and report business solution strategies delivered to business during any stage of the business cycle that relate to and result in job retention and/or rapid re-employment.

Reported on the **Layoff Aversion 122 Report** are those relating to layoff aversion (LOA) activities resulting in jobs retained at the current employer and/or rapid re-employment services (talent transfer) at new employer, conducted during any stage of the business cycle as defined in the directive.

A 122 Report may be submitted for a “single” job retained at an existing employer and/or a single rapid re-employment with a different employer. The HC-WDB and/or Partners will consider and document how layoff aversion activities will result in a positive outcome before allocating resources. Note – this is a cumulative report. It is not a register of local activities. It is to be used to report only business solutions (incumbent worker training to prevent a layoff, Work Sharing or Talent Transfer) completed during the reporting quarter.

For completion of the business solution strategy, documentation of outcomes will be attached to the 122 Report and retained locally for audit purposes.

The 122 Report must be completed quarterly; it is a cumulative report and submitted via email by the 20th of the month following the quarter’s end to the Area’s assigned Regional Advisor, with a “cc” to the HC-WDB Executive Director. The reporting period is from April 1 to March 31 of the following year.

Complete a separate line item entry for each layoff aversion solution and/or rapid reemployment service delivered.

Policy Exceptions

Partners/ Service Providers may make exceptions to this policy only with prior written

authorization from the HC-WDB Executive Director.

DEFINITIONS

Employer Contact (Rapid Response 121 Report) – A visit to an employer by staff for the purposes of conducting Rapid Response activities. This visit may be in person, by telephone or through the use of other interactive technology.

Employer Contact (Layoff Aversion 122 Report) – This form is used only to report the development, implementation and completion of a business solution strategy(s) relating to and resulting in job retention at the current place of employment and the rapid reemployment (talent transfer) of affected workers.

Worker Adjustment and Retraining Notification (WARN) Events - WARN offers 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 State dislocated worker unit; and to the appropriate unit of local government. In general, employers are covered by WARN if they have 100 or more employees. Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in a commercial context and are separately organized from the regular government. Regular Federal, State, and local government entities which provide public services are not covered.

FORM(S):

1. **Categorization of Rapid Response Activities Title 20 Code of Federal Regulations Notice of Proposed Rule Section 682.330**
2. **Rapid Response 121 Report, Attachment 2**
3. **Rapid Response 121 Report Line Item Instructions, Attachment 3**
4. **Layoff Aversion 122 Activity Report, Attachment 4**
5. **Layoff Aversion 122 Activity Report Line Item Instructions, Attachment 5**

INQUIRIES:

Any questions regarding this policy may be directed to the Workforce Development Board Director at 707-445-7745.

Humboldt County Workforce Development Board Approval Required? Yes No