



Southwest Georgia Workforce Development Board

Policy/Procedure Name: **Rapid Response**

Policy/Procedure #: **WIOA-069**

Effective Date: February 28, 2018

Revision: September 7, 2021

Revision: September 7, 2023

## **PURPOSE**

Rapid Response is a federally funded workforce development program funded through the Workforce Innovation and Opportunity Act (WIOA). Rapid Response enables Georgia's public workforce development system the ability to provide front-line assistance to at-risk or affected employers as well as employees who are laid off through no fault of their own, known as "dislocated workers".

The Program provides a pro-active response to company layoffs and plant/facility closures to either prevent or minimize the impact of qualifying events. Rapid Response funding awarded to Local Workforce Development Areas (LWDAs) enable local workforce development staff and partners to provide on-site services, generally at no cost to the employer, to assist with minimizing the disruptions associated with job loss as well as assisting the dislocated worker in obtaining reemployment as soon as possible.

Rapid Response activities are coordinated and overseen provided by the Technical College System of Georgia's Office of Workforce Development (OWD). The LWDA is a required partner for all rapid response activities that take place within the service area.

## **STATE POLICY**

Reference the Technical College System of Georgia Office of Workforce Development (OWD) Policy and Procedure Manual Section 5: Rapid Response

## **LOCAL POLICY**

### A. Rapid Response Event Eligibility

A rapid response event occurs when a specified number of workers are dislocated due to a layoff or closure, or reorganization. Per federal law, rapid response services must be offered to an employer when 50 or more employees become dislocated workers. State policy permits services to be offered for rapid response events of 25 or more dislocated workers. The LWDA may provide dislocated worker services regardless of the number of affected dislocated workers.



If a company moves out of Georgia or out of the United States, those employees are “dislocated workers” and would be eligible for Rapid Response. If the company moves overseas, the workers may qualify for additional assistance under the Trade Act.

Rapid Response activities begin by contacting the company experiencing an event, that is expected to result in dislocated workers, and arranging an initial meeting with the employer. This employer meeting helps determine whether or not the layoff can be avoided, and what services will be made available to the employees upon this determination. If the layoff cannot be avoided, state-level Rapid Response staff will coordinate with all necessary partners to share with the dislocated workers the services and resources available to them. These services may include unemployment insurance, training opportunities through WIOA, and other forms of hardship assistance. If the layoff can be avoided, state-level Rapid Response staff may offer, and coordinate Layoff Aversion strategies as detailed in the Technical College System of Georgia – Office of Workforce Development Policy and Procedure Manual Section 5 - Rapid Response.

#### B. Rapid Response Partner Network

Georgia’s Rapid Response activities are coordinated and overseen at the state-level by the Technical College System of Georgia, Office of Workforce Development (OWD). The LWDA is a required partner for all rapid response activities that take place within the service area. Furthermore, the LWDA may participate in and assist with activities outside of the service area.

Under the coordination of OWD, the LWDA may partner with the following other entities for the purpose of rapid response service delivery:

- Georgia Department of Labor (GDOL)
- Other Local Workforce Development Boards (LWDBs) and related LWDA staff and leadership
- Technical College and University System Institutions
- Local Government (state, federal as needed)
- Community Partners (public/private/non-profit)
- Business & Industry Associations
- Related Employers
- Other workforce development partners



## C. Rapid Response Event Notification

### 1. Worker Adjustment and Retraining Notification (WARN)

In general, employers are covered by WARN if they have 100 or more employees. This does not count employees who have worked less than 6 months in the last 12 months AND does not count employees who work an average of less than 20 hours a week. Federal, state, and local government entities which provide public services are not covered.

WARN notices must be filed by a covered employer if the employer lays-off:

- 50 workers at a single site of employment; or
- 100 or more workers who work at least a combined 4,000 hrs./wk; or
- 500 or more workers during a 30-day period; or
- Any number of workers that constitutes 1/3 of the total active workforce (for companies >100 employees)

More information on the WARN Act can be found at <http://www.doleta.gov/layoff/warn.cfm>

### 2. Non-WARN Events

Not all layoff events will be covered by WARN. These are instances in which a company is not large enough to fall under WARN guidelines, or a WARN eligible company is not laying-off enough workers to trigger a WARN event. In either instance, Rapid Response services may be provided if the company reaches out to OWD or the LWDA. Although WARN is required for layoffs of 50 or more workers, OWD will engage any dislocation event in which 25 or more workers are being laid off. These workers receive the same access to services as WARN eligible events.

### 3. Events Triggered Without WARN

There may be instances in which a layoff occurs without a 60-day notice through WARN. In these instances, the company may have failed to file the notice, or may have been unable to foresee the circumstances that required the layoff (such as plant closure, bankruptcy, or natural disaster). The LWDA may discover these events through local media, the Rapid Response Partner Network, or other forms of communication. In these cases, the LWDA should reach out to OWD to inform of the potential event and initiate contact with the business and determine if Rapid Response services should be activated.



#### 4. National or State Emergency

When there is a state or national emergency, the Georgia Emergency Management Agency (GEMA) is the lead agency working with state agencies, utility companies and volunteer organizations to coordinate disaster response and recovery activities to serve its citizens. OWD will contact the LWDA to offer Rapid Response services as needed in that area.

#### 5. Rapid Response Notification Portal

The State and LWDA's are mainly notified of Rapid Response events through the Georgia Layoff & Closure Listing Portal (commonly referred to as the *WARN Portal*) found on WorkSource Georgia's website (<https://www.tcsge.edu/warn/>). This portal is operated and maintained by OWD. Notifications will be verified by OWD for WARN and rapid response qualifications and accuracy prior to distribution to LWDA's and other partners.

OWD will inform the LWDA of Rapid Response events that occur within the LWDA's service area.

### D. Local (LWDA) Services and Responsibilities

#### 1. Delivery of Rapid Response Services

When a notice of a Rapid Response Event (e.g., WARN filing) is received and verified by the state-level Rapid Response team, OWD will inform the LWDA and other partners as appropriate. The assigned state-level Rapid Response Coordinator will contact the employer and set up the initial meeting with partners, to include the LWDA, GDOL, and others as appropriate. Employer meetings will determine the needs of displaced employees and offer an array of services under WIOA Title I, Wagner-Peyser, Trade Act, etc.

Once the LWDA receives the state notification, it will ensure dissemination of the information to the One Stop Manager and all applicable contracted service providers. The LWDA will also ensure to follow up with partners and/or the employer, as appropriate, to provide seamless delivery.

#### 2. Local Rapid Response Responsibilities

The LWDA is responsible for coordinating WIOA Title I Rapid Response and Dislocated Worker services (20 CFR § 682.330) and participating in Rapid Response activities in partnership with the State Rapid Response Coordinator, including:

- Attend Employer meeting and Employee Information Session(s) as needed;



- Assist, along with identified partners, in providing needed services to displaced employees with the intent of getting them reemployed;
- Make presentations to employers, displaced employees;
- Organize and conduct workshops on job search techniques, interviewing skills, resume building, computer skills, educational opportunities, etc.;
- Support Layoff Aversion strategies;
- Individual and group counseling;
- Skills assessment;
- Case management;
- Provide referrals to GDOL and other partners, as needed;
- Conduct job fairs;
- On-the-job training development;
- On-site training;
- Provision of Labor Market Information (LMI) and job openings;
- Notify state-level Rapid Response staff of layoff events for which a WARN notice has not been filed.

### 3. Local Layoff Aversion Responsibilities

The LWDA is required to offer and deliver layoff aversion strategies and activities (20 CFR § 682.320), in partnership with the State Rapid Response Program, to help local employers save jobs and retain operations in Georgia.

Layoff Aversion services are offered in conjunction with general business engagement activities of the LWDA staff. This may include identifying at-risk companies and industries; communicating available WIOA Title I business services, such as Incumbent Worker Training Programs; and developing workforce action plans with Rapid Response partners to stabilize a company and save jobs.

Once a potential layoff aversion opportunity at a local employer is identified, the LWDA may notify the designate State Rapid Response Coordinator. OWD may fund layoff aversion services through the state-level Rapid Response Reserve through a formal request as outlined through OWD Guidance.

### 4. Emergency Responsibilities

In the event of a natural disaster, such as tornado, flood, earthquake, drought, storm, pandemic, or similar events caused by nature, the LWDA is responsible with assisting



with the coordination of rapid response services to address workforce needs and impact that results from the disaster. Services may be offered in partnership with the State Rapid Response Program and must be consistent with state and local disaster recovery policies and plans. The LWDA is responsible for local outreach to affected communities and businesses and reporting information to OWD.

5. Local Rapid Response Point of Contact

The LWDA is required to designate and notify OWD of a Local Rapid Response point of contact. LWDA's must notify OWD of local Rapid Response staff changes.

6. Monitoring

Rapid Response activities and services provided by the LWDA will be subject to federal and state monitoring. The LWDA is required to conduct local monitoring of rapid response activities as appropriate.

7. Required Reporting

The LWDA must report and track rapid response-related business and participant services through the WorkSource Georgia Portal as required through OWD Guidance. The LWDA is also subject to quarterly reporting of rapid response activities as required through OWD Guidance.

E. Additional Information

1. Rapid Response Services

Each company and its employees are unique, but there are certain fundamental services that many dislocated workers need. The following are possible resources that are available:

- Financial Benefits
  - Unemployment Insurance (UI) benefits
  - Trade benefits (where eligible)
- Reemployment Services
  - Early intervention benefits
  - Employee orientations on UI, reemployment services, and retraining opportunities
  - Job matching and job placement



- o Workshops
  - Job search techniques
  - Career exploration
  - Labor market information
  - Interviewing skills
  - Résumé preparation
  - Money management
  - Job fairs
- o Rehabilitation services
- o Onsite or conveniently located transition centers
- Educational Opportunities
  - o Adult education and GED preparation
  - o Degree and certificate programs
  - o On-the-job and employer customized training

## 2. Layoff Aversion

Rapid Response in Georgia will utilize proactive strategies to serve both the business community and the labor force of the state. Developing networks with business and economic development partners will ultimately strengthen Georgia's economic health. Such strategies form the basis of layoff aversion and are the cornerstone of Georgia's approach to providing Rapid Response.

Georgia's layoff aversion strategy focuses on incumbent worker training. In some situations, it may be possible to prevent a layoff from occurring by offering skills upgrading of current workers into new positions. Similarly, it may be possible to provide a training program to transfer employees from a company experiencing a layoff into positions with a new company. This strategy would seek to minimize the dislocation period of the worker.

Appropriate use of layoff aversion resources must meet the criteria outlined below.

- a. Conditions Suggesting Intervention: There are multiple signs that a business may benefit from intervention. In Georgia, a layoff aversion strategy may be implemented if one or more of the following conditions are met:
  - The company has experienced a layoff in the previous 12 months;
  - A reduction or discontinued production due to declining sales;
  - The company has petitioned for bankruptcy in the previous 12 months;



- A sale or change of ownership;
  - The industry is experiencing adverse conditions or lost market shares;
  - The company supplies an industry experiencing adverse conditions;
  - Reduction in hours or number of shifts;
  - Significant turnover especially among management positions;
  - Changes in taxes or regulations;
  - A lack of necessary skills in the local workforce.
  - Declining sales;
  - Expansion of physical operations or production lines;
  - Non-Competitive wages;
  - Union contract expiration; or
  - Other conditions attested to by ownership.
- b. Requirements for Layoff Aversion: If at least one condition is present (as listed in 5.4 (l)) to suggest an action may be appropriate, such action may only be taken if each of the following conditions are met:
- Must have been doing business in the state for at least the last 12 months
  - Current on all state and local tax obligations
  - Must not have violated any OJT contract provisions with the LWDA
  - Employee training must be needed and identified
  - Must guarantee continued employment and no reduction in pay
  - Training is designed to address a specific skills gap requiring the intervention
- c. Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is a program, administered through partnership with state and local agencies that helps American workers whose jobs have moved out of the country or have been affected by imports. Trade benefits and services help affected workers return to work as quickly as possible.

In order for workers to obtain TAA services and benefits, a petition must be filed with and approved by the U.S. Department of Labor. A company official, three employees, a union official, or state workforce agency staff may file the petition. Refer to <http://www.doleta.gov/tradeact> for additional information, including the petition application process.

State-level Rapid Response staff will coordinate with GDOL Trade staff to alert affected regions of certified trade petitions. A list of trade petitions can be found at <https://www.dol.state.ga.us/Access/Service/PetitionListing?listingType=TAAA>.





State-level Rapid Response staff will also coordinate with GDOL Trade staff to ensure workers are notified about the benefits and services as soon as possible, so they can meet the application deadline for training enrollment or training waiver eligibility. If not enrolled in TAA approved training, or if not waived from the training enrollment requirement by the deadline, the worker will not be eligible for Trade Readjustment Assistance (TRA). Consult the Trade Act Handbook for additional information about this and other important deadlines.

When a company is Trade certified, GDOL will notify the LWDA representative, and will solicit their participation in upcoming Trade information session(s), if necessary. The GDOL career center staff is responsible for presenting an overview of Trade benefits and services. Claims may also be filed at the information session.

State TAA staff provide technical support to local staff and customers, answer questions about the benefits and services, and may also participate in the information sessions. The Trade session may be held at the company or at the local GDOL career center. The following services are available to Trade workers:

- TAA includes reemployment services, income support, job search allowances, relocation allowances, training, Health Coverage Tax Credit, and case management services.
- TRA (Trade Readjustment Allowance) provides weekly income support payments while participants are enrolled in full-time training approved by State TAA staff.
- HCTC (Health Coverage Tax Credit) is a tax credit administered by the IRS and currently pays 72.5% of qualified health insurance premiums. This percentage is determined by the IRS and is subject to change.
- ATAA (Alternative Trade Adjustment Assistance) allows workers age 50 or older to accept work at a lower wage and be paid a subsidy that is 50% of the difference in the wages earned at the new job and what they earned at the Trade-affected company. ATAA participants are not eligible for training.
- RTAA (Reemployment Trade Adjustment Assistance) is similar to ATAA but differs in that participants may elect to work and attend training.

#### d. Transition Centers

##### 1. Determining the Need for a Transition Center

Transition Centers are fully equipped and staffed "mini career centers" with computers, a copier, and resource information necessary for preparing a job search. It may be onsite at the company or in a building convenient to the company workers.

- The factors for determining if a transition center is necessary are the following:
  - Geographic proximity of the company to a One-Stop career center and technical college;
  - Capacity of the One-Stop career center (size, staffing, capability of staff);
  - Size and impact of layoff or closing (usually 100 or more impacted);
  - Availability of funds and whether it is cost effective; and
  - Likelihood of reemployment in the same or similar occupations with little or no need for services.
- Staffing requirements will be affected by the following:
  - Amount of notice (time) from the company;
  - Company collaboration and resources;
  - Skills and barriers of the affected workers;
  - Number of affected workers;
  - Schedule of layoffs; and
  - Design of the transition center (full off-site, full onsite, resource room).

e. Media Requests

Media contact information can be found on OWD's website (<https://tcsgeu.org/worksource/contact-us/>). When major Rapid Response events are planned, including but not limited to opening of transition centers, public notices of services in the event of a disaster or similar Rapid Response occasions, TCSG and applicable subrecipients will ensure that the media is made aware of the full array of workforce services.



## **REFERENCES**

WIOA section 134 (a)(2), § 682.300. The Worker Adjustment and Retraining Notification Act (WARN) of 1988.

Technical College System of Georgia Office of Workforce Development Policy and Procedure Manual Section 5 Rapid Response

Southwest Georgia Workforce Development Board

Policy/Procedure Name: **Rapid Response**

Policy/Procedure #: **WIOA-069**

Effective Date: February 28, 2018

Revision Date: September 7, 2021

Revision Date: September 7, 2023