



Southwest Georgia Workforce Development Board

Policy/Procedure Name: **Rapid Response**

Policy/Procedure #: **WIOA-2018-069**

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## **PURPOSE**

Rapid Response is a United States Department of Labor (USDOL) grant program established through the Workforce Innovation and Opportunity Act (WIOA). Rapid Response enables each state to provide front-line assistance to 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 in which a state's Dislocated Worker Unit or Rapid Response team coordinates services to aid dislocated workers and companies affected by closures/layoffs. Rapid Response enables states to provide on-site services, 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 provided by the Technical College System of Georgia's Office of Workforce Development (OWD) and applicable subrecipients, hereafter referred to as "state-level Rapid Response staff." Local Workforce Development Areas (LWDAs) assist with providing Rapid Response activities when deemed appropriate, as detailed in the Technical College System of Georgia Office of Workforce Development Policy and Procedure Manual Rapid Response Section 5.1 (IV) or determined by state-level Rapid Response staff.

The Worker Adjustment and Retraining Notification Act (WARN) was enacted on August 4, 1988 and became effective on February 4, 1989. 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.

## **STATE POLICY**

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

## **LOCAL POLICY**

As stated in 20 CFR § 682, Rapid Response services are federally required to be



offered to a company when 50 or more employees become dislocated workers through an event resulting in job loss. The State further extends these services to respond to a displacement of 25 or more employees that become dislocated workers.

An event resulting in job loss and ultimately resulting in employees becoming dislocated workers may be a company closing, layoff, or reorganization. If a company moves out of Georgia or out of the United States, those employees will also be considered dislocated workers and would be eligible for Rapid Response services. If the company moves overseas, dislocated workers may qualify for additional assistance, referred to as Trade Adjustment Assistance, which is also provided by USDOL under the Trade Act.

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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 Rapid Response Section section 5.4.

### State Responsibilities

The Technical College System of Georgia Office of Workforce Development (OWD) and applicable subrecipients serve as the State's Dislocated Worker Unit. When a layoff occurs, the company notifies the state-level Rapid Response (RR) staff of the impending dislocation. State-level staff will then coordinate with the LWDA in which the layoffs will occur. State-level RR staff are also responsible for coordinating with and including all partner agencies and non-profit groups necessary to appropriately serve the affected individuals. This includes developing relationships within the private sector and community partners. State-level RR staff should discover and develop relationships with businesses and organizations to assist in responding to dislocations.

The State-level RR staff are further responsible for the following duties:

- Manage layoffs of 25+ workers



- Contact employers within 48 hours of notice of layoff
- Maintain confidentiality
- Respond to natural disaster situations and work with other local government divisions and organizations
- Provide assistance with filing worker petitions for Trade Certification and Benefits
- Coordinate with LWDA's
- Make presentations to employers and employees
- Coordinate with local economic development staff

### LWDA Responsibilities

Workforce development activities, provided through the One-Stop delivery system in the local communities, can benefit job seekers, workers who have been laid off, youth, employed individuals, new entrants into the workforce, veterans, persons with disabilities, and employers. The purpose of these activities is to promote an increase in the employment, job retention, earnings, and occupational skills improvement by participants. This, in turn, improves the quality of the workforce, reduces government dependency, and improves the productivity and competitiveness of the state and nation.

LWDA's can provide access to WIOA services including core services such as labor market information, skill assessments, job search assistance, and resume advice. If the LWDA determines there is a need, they can also enroll the dislocated worker in intensive and training services to provide skill upgrading and certification in local demand occupations.

LWDA Staff are responsible for the following:

- Notify state-level Rapid Response staff of layoff events for which a WARN notice has not been filed
- Facilitate workshops on job search techniques, interviewing skills, resume building, salary negotiation, etc.
- Job development training
- Provision of referrals
- Individual and group counseling
- Perform skills assessment and case management
- Provision of Labor Market Information (LMI) and job openings; and
- Interact at job fairs, expos and opportunities' fairs



### Other Community Partners

In addition to the state-level Rapid Response staff and LWDA, there are multiple community partners which may be able to support a layoff event. It is the job of state-level RR staff to develop relationships with many of these partners to strengthen the economic community. Business partners can assist in averting or minimizing the impact of a dislocation event while community partners can help with financial or emotional support during the transition period.

Partners which can aid in responding to a layoff include:

- A. Georgia Department of Labor (GDOL) provides unemployment benefits and job search assistance to individuals, as well as services to employers. (<https://dol.georgia.gov/>)
- B. Georgia Department of Community Affairs offers a variety of economic development incentives and tools designed to help promote growth and job creation throughout the state. (<https://www.dca.ga.gov/community-economic-development/incentive-programs>)
- C. Technical College System of Georgia (TCSG) provides training opportunities through technical programs or certificates or adult education. All TCSG schools are eligible providers under WIOA training services. (<http://www.tcsg.edu>)
- D. Local Chambers of Commerce will have a strong network of businesses and business leaders that will be knowledgeable about economic conditions and opportunities.
- E. Georgia Department of Economic Development is the state's leading economic development agency which can provide detail on economic outlook and potential business opportunities and workforce needs. (<http://www.georgia.org>)
- F. Regional Commissions have strong networks in the workforce areas and can assist in connecting workforce needs to opportunities. (<https://www.dca.ga.gov/local-government-assistance/planning/regional-planning/regional-commissions>)

### 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 if an eligible company 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;



- 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>

### 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.

Although WARN is required for layoffs of 50 or more workers, Georgia 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.

### 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). State-level RR staff may discover these events through local media, the LWDA's, or other form of communication. In these cases, state-level RR staff should reach out to the business and determine if Rapid Response services should be activated.

### 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. State-level RR staff will contact the LWDA to offer Rapid Response services as needed in that area.

### 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.

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

### 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.

- I. 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.
  
- II. Requirements for Layoff Aversion: If at least one condition is present (as listed in 5.4 (I)) 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

### Transition Centers

- I. 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:
  - o Geographic proximity of the company to a One-Stop career center and technical college;





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

### Media Requests

Media contact information can be found on OWD's website (<https://tcsgeu/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

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