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| Policy Area: Programs and Services | |
| Title of Policy: Rapid Response Activities: Layoff Aversion Assistance | Number: 403-02 (2018) |
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I. Purpose

This policy covers the process for distribution of funding for dislocated worker services as part of Rapid Response strategies, including layoff aversion services, under the Workforce Innovation and Opportunity Act (WIOA).

II. Summary

The Virginia Community College System (VCCS), as state administrative agency for Title I of the Workforce Innovation and Opportunity Act (WIOA), has the responsibility for the distribution and management of the WIOA Statewide Rapid Response funds. Each program year, up to 25 percent of Virginia's WIOA Dislocated Worker allotment will be reserved for Rapid Response activities.

This policy addresses when and how Rapid Response services will be made available to Local Workforce Development Boards (Local Boards) where local residents are impacted by plant closings, major dislocations, or pending layoffs.

III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- United States Department of Labor, Workforce Innovation and Opportunity Act; Final Rule, 20 CFR, Part 682 Subpart C, Rapid Response Activities
- Training and Employment Notice No. 03-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act and Wagner Peyster, as Amended by WIOA, and Guidance for the Transition to WIOA Services*

IV. Policy

Rapid Response is a critical economic and workforce development service intended to promote economic recovery by identifying, preparing for, and addressing layoffs and dislocations, and preventing or minimizing impacts on workers, businesses and communities. The objective of Rapid Response Teams should be to serve as many businesses as possible to engage and meet the needs of dislocated workers consistent with the WIOA Final Rule, Rapid Response systems shall contain the following:

1. Informational and direct reemployment services for workers;
2. Delivery of solutions to businesses in transition;
3. Convening, brokering, and connecting networks and partners to address the workforce

needs of dislocated workers; and

4. Strategic planning, data gathering, and data analysis to anticipate, prepare for, and manage economic transition.

Rapid Response services shall be delivered when one of the following occurs:

1. A notice of permanent closure of a facility has been provided by an employer, regardless of the number of employees affected.
2. A notice of a mass layoff by an employer has occurred. A mass layoff is an event where 50 or more employees are at risk of job loss.
3. A mass job dislocation has occurred due to a natural disaster or other unforeseen event.
4. A Trade Adjustment Assistance (TAA) petition has been filed.
5. Rapid Response services should be delivered in cases where a Non-WARN layoff occurs.

Virginia will provide Rapid Response and layoff aversion services to businesses consistent with 20 CFR Subpart C, 682.320 Layoff Aversion Strategies Activities and 20 CFR Subpart C, 682.330 Required Rapid Response Activities.

The day to day coordination of Rapid Response services to businesses that are experiencing layoffs or closures is the responsibility of the state designated entity, the Virginia Employment Commission (VEC). VEC serves as the sub-recipient of Rapid Response funds from VCCS-WIOA Title I Administrator to provide Rapid Response provision of services. Local Boards must outline their regional layoff aversion strategy and their role in the Rapid Response process in their Local Plan. In order to apply for assistance through Rapid Response funds, a local area does not necessarily need to have a plant closure or mass layoff event within the geographic area, however the application must be supported with a documented increased demand for dislocated worker services. As part of layoff aversion, Local Boards should foster strategies and implement initiatives that support upward mobility within the labor market—the promotion of skills development so workers can keep and advance in jobs in industry sectors such as manufacturing, information technology, healthcare, and transportation/logistics.

The WIOA Title I Administrator shall establish a team to address dislocated worker services. The team shall regularly review dislocation activity, including layoff aversion and Trade Adjustment Act events, in the state to ensure the coordinated activity of the agencies and representatives that are crucial to the service of dislocated workers. These team members shall consist of:

- Rapid Response State Coordinator
- Adult & Dislocated Worker State Coordinator
- Trade Act State Coordinator
- A representative from the local workforce development boards
- A representative of the Wagner-Peyser Program
- A representative from the Virginia Economic Development Partnership

On an annual basis a report will be submitted to the Virginia Board of Workforce Development

and the Governor's Chief Workforce Advisor.

Mass Layoff or Plant Closure Events

Under the auspices of the Local Board's Rapid Response Plan, if a mass layoff, plant closure, or similar event is pending or has occurred, the Local Board shall work with the WIOA Title I Administrator and Rapid Response designated entity concerning provision of Rapid Response services, including conducting activities to mitigate unemployment. Upon receipt of notification of a plant closing or substantial/mass layoff, or similar event, if such notification was provided to the Commonwealth, the Rapid Response State Coordinator will notify the Local Board and the Chief Elected Officials (CEOs).

Rapid Response Coordinators will work with the affected company to gather information regarding the impacted population. Examples of this data collection include but are not limited to:

- Demographic details
- Job titles
- Salary information
- Education/skill levels
- Time with company
- Worker interest in accessing services and types of services most beneficial

Using this information, Rapid Response staff, along with Local Board and one-stop staff, will develop a customized plan of activities and services to be provided to impacted workers.

Services shall include onsite activities to the laid-off workers by the Rapid Response team and as permitted by the company. Working together, Rapid Response staff and the local workforce development board, shall develop a leveraged resources approach that leverages local WIOA Title I formula funds, state Rapid Response funds, and other appropriate employment and training resources to fully address the needs of workers and businesses.

Application for Statewide Rapid Response Funds to supplement local resources shall include the following:

1. A plant closing or mass layoff "trigger event," such as a WARN notification, an emergency plant closure an urgent nature where WARN notification was not possible, or a significant increase in the number of unemployed individuals in the area that can be documented.
2. The Local Board shall demonstrate a funding need beyond what local WIOA Dislocated Worker and other resources can handle for the service provision needed.
3. Documentation on the types of services and level of services needed to rapidly reemploy impacted individuals, which can include types of training appropriate to address the plant closure or mass layoff.

Factors such as the timing of the layoffs, the size of the dislocation, the needs of the affected workers and the available funding sources, will determine how services are funded and whether an application for a National Dislocated Worker Grant should be submitted to the U.S. Department of Labor. Rapid Response funds may be used to provide the same types of career and training services permitted under the formula-funded WIOA Dislocated Worker program.

- Separate fiscal and participant tracking and reporting will be required.
- Participants shall receive dual enrollment services where possible and appropriate.
- Funds awarded shall supplement, and not supplant other funding sources available to support Rapid Response related activities.

Layoff Aversion Strategies

Local Boards should utilize innovative strategies to address worker skill deficiencies to promote middle- and high-skills employment in Virginia communities. In doing so, the Rapid Response Plan shall identify layoff aversion strategies and activities to be undertaken during the program year.

As layoff aversion opportunities are identified, Local Boards may submit a funding request to the VCCS to undertake layoff aversion strategies. The funding request shall include the following:

1. Amount of the funding request and budget narrative.
2. Identification of the population to be served and justification for serving said population.
3. Types of services and proposed outcomes.
4. Demonstration of employer support for proposed activities and services, including the business's financial support of the activities as applicable.
5. Relation to economic development initiatives in the local area.
6. Demonstration of leveraged resources, including, but not limited to, use of local WIOA Dislocated Worker and other one-stop partner funds, as well as private funds.

The WIOA Title I Administrator will monitor initiatives and projects for outcomes and compliance.