

KANSASWORKS

Technical Assistance Guide to Layoff Aversion



Table of Contents

Overview of Guide.....	3
Part A – Introduction	5
A-100: LAYOFF AVERSION DEFINED	5
A-101: Benefits of Layoff Aversion	5
A-102: When to Implement Layoff Aversion Strategies	6
A-103: Targeting Layoff Aversion	7
Part B – Early Warning Strategies	8
B-100: EARLY WARNING.....	8
B-101: Early Warning System	8
B-102: Early Warning Indicators.....	8
Part C – Business Services.....	10
C-100: PREFEASIBILITY STUDIES	10
C-101: Asset Mapping	10
C-102: Business Turnaround Services.....	11
C-103: Incumbent Worker Training	11
C-104: Shared Work UNEMPLOYMENT COMPENSATION PLAN	12
Part D – Rapid Response	15
D-100: PURPOSE OF RAPID RESPONSE SERVICES.....	15
D-101: The 10 Principles of Rapid Response.....	15
D-102: Benefits of Rapid Response.....	16
D-103: Eligibility	16
D-104: Workforce Investment Opportunity Act Requirements.....	17
D-200: OVERVIEW OF THE RAPID RESPONSE PROCESS.....	17
D-201: Rapid Response Team	17
D-202: Rapid Response Activities for Employers.....	17
D-203: Workforce Investment Opportunity Act.....	18
D-204: Layoff Notification	18
D-300: RAPID RESPONSE SERVICE TRACKING.....	19
List of Revisions	20

Layoff Aversion Guide

Overview of Guide

This technical assistance guide provides information on key strategies to assist Local Workforce Development Boards (Boards) with layoff aversion, including:

- definition and elements of layoff aversion;
- layoff aversion strategies;
- business services;
- rapid response;
- funding; and
- tools and resources.

Purpose

The purpose of this guide is to:

- provide information about layoff aversion procedures; and
- present the structure of layoff aversion strategies with the necessary tools and resources to implement layoff aversion strategies throughout the state.

Objectives

The objectives of this guide are to:

- establish a comprehensive resource for layoff aversion information and operational guidance and oversight of service delivery;
- communicate expectations for program design and service delivery; and
- ensure a consistent level of service.

Target Audience

The target audience for this guide is:

- Local Rapid Response Coordinators
- Local Workforce Development Boards
- One-Stop Staff
- Local Providers of Service(s)
- **KANSASWORKS** State Board

Parts of the Guide

The numbering system for this guide is based on alphabetical divisions, with numerical subdivisions.

The guide is divided into the following parts:

Part A: Introduction

Part B: Early Warning Strategies

Part C: Business Services

Part D: Rapid Response

Part E:

List of Revisions

Changes to Content

The Department of Commerce (Commerce) maintains the Technical Assistance Guide to Layoff Aversion online at <http://kwpolicies.kansascommerce.com/Pages/Default.aspx>

Layoff Aversion Technical Assistance Guide

Part A – Introduction

A-100: LAYOFF AVERSION DEFINED

U.S. Department of Labor Employment and Training Administration (DOLETA) Training and Employment Guidance Letter (TEGL) No. 30-09, issued June 8, 2010, and entitled “Layoff Aversion Definition and the Appropriate Use of Workforce Investment Opportunity Act (WIOA) Funds for Incumbent Employee Training for Layoff Aversion Using a Waiver” defines layoff aversion as:

1. A worker’s job is saved with an existing employer that is at risk of downsizing or closure
2. A worker at risk of dislocation *transitions to a different job with the same employer OR a new job with a different employer* and experiences *no, or a minimal, time unemployed.*

The overall goal of layoff aversion is to save jobs by encouraging market efficiencies. A workforce’s knowledge and skills are the core drivers of economic competitiveness. Implementation of flexible programs and policies to strategically invest limited resources to develop workforce skills and deliver services which meet continually changing market demands is paramount.

Companies and corporations make business decisions daily that affect employment, sales, suppliers, customers, vendors, and—ultimately—communities. Local Workforce Development Boards (LWDBs) have the unique opportunity to implement proactive programs, thereby saving jobs and helping their communities grow and prosper.

A-101: Benefits of Layoff Aversion

The costs of UI benefits alone constitute a substantial motivator for rapid response professionals to implement layoff aversion strategies and save jobs throughout the state. Saving jobs also potentially affects the taxes employers pay into Kansas’ UI trust fund, lessening the burden employers carry, and communities are able to retain fully employed individuals and realize the economic benefits associated with a fully employed workforce.

Many benefits accrue when layoffs are averted:

Employees—retain the same position or transition to a different position with or without retooled skills at a comparable wage, and thus maintain financial stability and avoid the loss of income and benefits that can be devastating to the well-being of both employees and their families.

Employers—retaining known reliable employees and save the costs associated with severance, recruiting and orienting a new employee, and lower overall morale among remaining employees. Additionally, layoffs often lead to increases in an employer’s unemployment compensation tax rates.

Taxpayers—save the outlay from unemployment trust funds and taxpayer-funded services unemployed individuals may draw.

Communities—avert layoffs, which is far less costly and disruptive than providing emergency services to financially strained families. Layoff aversion precludes the loss of property taxes associated with high home foreclosure rates and facilitates the maintenance of overall community economic wellness, which is threatened when a mass layoff creates residual layoffs due to reduced consumption in the community.

The technical assistance guide provides information on a proactive—rather than reactive—approach to assisting at-risk companies before they reach the actual layoff stage. Identifying at-risk companies and developing a customized plan to address each company’s unique set of circumstances takes a coordinated effort between all community partners, i.e., state agencies, Boards, economic development agencies, public and private entities, etc.

Layoff aversion strategies, authorized under WIOA §665.320(a)(2) and §665.320(d), can be effective tools to assist employers in developing the skilled workforce necessary to:

- adapt to the changing economy;
- stay in business; and
- retain employees.

Through their connections with local businesses and rapid response activities, Boards are in a unique position to assist companies in averting layoffs by:

- assessing business and economic conditions and determining when a layoff potential exists in their local workforce development areas (workforce areas);
- assisting an employer requesting help for soon-to-be-displaced employees;
- initiating rapid response services after receiving a Worker Adjustment and Retraining Notification (WARN) or other notification; or
- responding to information received from other sources about possible closures.

Benefits of a layoff aversion strategy include the following:

- Retains jobs in the economy;
- Retains critical industries in the region;
- Promotes new industry-sector growth strategies and new jobs in the economy; and
- Provides for improved coordination between state agencies, Boards, economic development and other public and private sector partnerships, and creates new labor-management partnerships.

A-102: When to Implement Layoff Aversion Strategies

Determining the appropriate moment for Board involvement in layoff aversion is challenging. How does the Board identify companies at risk of layoffs? How early should intervention occur? Before an employer’s layoff announcement, the possibility of the layoff is often known only to members of a company’s management. By the time a layoff is announced formally or otherwise made public, many layoff aversion strategy options for assisting the employer and employees to address threats are no longer viable.

Commerce believes Local Boards working in conjunction with local economic development agencies and the state Labor Market Information Services (LMIS) are in the best position to identify potential layoff situations. While there are no absolute methods for identifying the appropriate point for Board involvement in a layoff situation, Boards may establish indicators and establish criteria for identifying companies at risk for layoffs such as:

- Declining sales
- Supply chain issues
- Adverse industry market trends
- Changes in management behavior or ownership

While there are no absolute rules for identifying the appropriate point for workforce system involvement, development of policies and criteria for identifying at-risk employers will guide local areas in designing appropriate responses that limit guesswork and the potential misuse of public workforce investment funds.

A-103: Targeting Layoff Aversion

Layoff aversion strategies might not be a fit for every employer in a workforce area. Industry sectors whose strength will have the most significant impact on the future of the workforce area are the most appropriate targets for layoff aversion efforts. For example:

- industries that pay middle-class wages and benefits and offer job and training ladders for low-income populations;
- industries that create greater economic spin-off activity, i.e., the multiplier effect;
- industries that drive productivity gains in the economy and provide customers for advances in technology;
- industries that offer diversification of the economy;
- industries that provide a foundation for new industry clusters; or
- a combination of industries that provide the greatest positive impact for the region.

Layoff Aversion Technical Assistance Guide

Part B – Early Warning Strategies

B-100: EARLY WARNING

Layoff aversion involves a continuum of strategies and ideas to assist employers and employees, as well as communities. The first layoff aversion strategies in the continuum are those used to identify the possibility of layoffs.

B-101: Early Warning System

LWDBs may establish an early warning system (EWS) to identify and track vulnerable firms and industrial sectors that might benefit from layoff aversion strategies. The EWS should identify firms at risk of closing or moving operations before actual decisions are made by the companies to shut down or move, and includes an early warning network of community partners along with other early warning indicators.

EWS network and community partners may include, but are not limited to, the following:

- Local mayors and council members
- Local unions
- Civic and religious institutions
- Local and state economic development agencies
- State LMIS
- Chambers of commerce
- Utility companies
- Local banks
- Industry groups
- Other institutions

Early warning indicators, whether identified as immediate danger signs or as long-term patterns, can buy a community the time necessary to develop alternatives to plant closures and job losses.

Monitoring industry economic health and activity is an essential component of a successful layoff aversion strategy, and assists Boards in providing rapid response services earlier in the continuum.

B-102: Early Warning Indicators

Detecting early warning indicators is a strategy that complements other information gathered through EWS and aids in identifying and tracking companies in possible distress.

Early warning indicator data sources include:

- unemployment insurance (UI) data;
- UI shared work program data;
- payday claims;
- employment rolls; and
- labor market information, which is useful in analyzing the trends of industries in a region, whether the industry is growing, stable, or declining in sales, employment, etc. Information

collected by the Department of Labor, Labor Market Information (LMI) department includes:

- labor force and unemployment data;
- employment and projected employment data by industry and occupation;
- population and other demographic data;
- local economic trends and characteristics, including cost-of-living information;
- occupational data by race, gender, and wage rates, including earning data by industry and geographic area; and
- skill sets by occupation.

Additional evidence to support information provided through early warning indicators include the following:

- Worker Adjustment and Retraining Notification Act (WARN) Notices—useful in analyzing layoff activity by industry sector and occupations being laid off.
- Public loan defaults—information shared through state and local economic development offices.
- Utility companies—reports on usage drops can indicate elimination of a shift, cutbacks in overtime, fewer machines operating, etc.
- Representatives from among an employer’s customers and suppliers.
- Major trade journals, business journals, and local or regional newspapers.
- Employer annual and quarterly financial information.
- Dun & Bradstreet or Experian—these companies provide information on firms and industries under stress. Reports are generated quarterly and relevant information can be found in the financial stress score and the commercial credit score.

Layoff Aversion Technical Assistance Guide

Part C – Business Services

C-100: PREFEASIBILITY STUDIES

In collaboration with Commerce, LWDBs may utilize Rapid Response funds to devise and oversee development of prefeasibility studies for the aversion of plant closures. Prefeasibility studies provide objective evidence as to the likelihood of an employer remaining operational and, if so, under what conditions. Boards must ensure the confidentiality of information collected in developing a prefeasibility study, and involve labor and management in the process.

Typical prefeasibility studies assess the employer’s business operations in the following areas:

- Organizational Structure
- Market
- Operations/Manufacturing
- Financial
- Legal
- Conclusions and Methodology

If there is an indication that an employer closing or mass layoff can be averted, technical assistance can be provided to interested parties to investigate possible layoff aversion strategies. Strategies might include incumbent worker training or shared work. The cost of such a move would be minimal compared to the economic impact of a plant closing or mass layoff.

LWDBs may use outside entities to conduct prefeasibility studies, but must be cognizant of cost and may consider requiring that an employer match resources in the form of money, time, etc., which provides a good barometer of an employer’s willingness to follow recommendations made by the outside entity and to comply with other programmatic requirements .

C-101: Asset Mapping

Asset mapping identifies resources in the community and provides LWDBsL with an inventory of key resources in their local workforce developmnt areas (LWDB). Key resources include entities that provide business services that align with an employer’s future goals and focus on business retention, offering a broad base of advice and coaching on profitability, operations, and financing. Local Boards must ensure that these resources are tapped only when it is determined that an employer targeted for assistance is in need of such services, at which time Boards can facilitate a connection or provide the employer with contact information.

An asset mapping list includes entities with which the Board already has relationships, such as local government; chambers of commerce; local, regional, or state economic development entities; local banks; and utility companies. Once core partners have been established and confidentiality agreements are in place, the partners can leverage other resources, whether public or private, to help the employer recover.

Additional resources may include:

- local elected officials;
- two- and four-year colleges and universities;
- labor and management associations;
- telecommunications/media companies;
- accounting and law firms;
- investment banks;
- community-based and community development organizations; and
- other state agencies

LWDBs and partners are encouraged to sign confidentiality agreements, when appropriate, and remain cognizant of the sensitive nature of the information shared about employers with entities involved in the asset mapping process.

C-102: Business Turnaround Services

Business turnaround services are provided when it is determined that an employer needs intervention beyond the menu of services provided by an early warning system's (EWS) network and community partners. Services are provided through an outside entity with expertise in business turnarounds.

Potential employers must be thoroughly assessed for intervention suitability based on early warning indicator data.

LWDBs using business turnaround services must set parameters that define what type of companies to target, including:

- employer size;
- future viability;
- targeted industries and occupations; and
- other parameters determined by the Board.

LWDBs should be aware of local experts and the resources they provide.

Specific business turnaround services may include the following:

- Financial restructuring
- Operations and cost management
- New market and product development assistance
- Production of business plans, financial projections, and financing memorandums
- Developing labor-management partnerships
- Assistance in acquiring new equipment
- Assistance with training grants
- Assistance with loans and guarantees

C-103: Incumbent Worker Training

Incumbent worker training is designed in conjunction with a specific employer or a consortium of employers to upgrade the skills of a particular workforce. Such training is an important strategy for meeting workforce areas' needs for qualified workers and can take place in or out of the workplace and during or after employees' work hours. When used as a layoff aversion strategy, LWDBs may utilize up to 15% of their Formula Dislocated Worker funding and up to 5% of their Formula Adult funding to provide Incumbent Worker Training under existing waivers. At risk workers may be

earning self-sufficient wages and still qualify for participation as incumbent workers participating in a layoff aversion strategy.

When developing program criteria, LWDBSLWDBS should consider:

- whether absent training, a good job will be lost or degraded
- whether with training, the job will be retained or improved

Boards should use the following considerations in determining whether the provision of incumbent worker training will avert a layoff and whether the training is appropriate:

Employer Assessment

- The employer remains open, but it is phasing out a function, which will lead to layoffs unless the employees can be retrained to perform new functions.
- Employee jobs have changing skills requirements as a result of external economic or market forces, significant changes in technology or operating processes, rapidly changing industry or occupational requirements, or emergence of new products.
- The changing skills requirements are outside of normal skill growth and upkeep provided by the employer.
- Training programs will prepare employees to address the skills gaps.

Worker Assessment

- Unless provided with training, employees vulnerable to layoff do not have marketable, in-demand skills.
- The new skills can be attained within a reasonable time frame.
- Employees have not received a formal layoff notice.
- There exists a strong possibility of job, either with the existing employer OR a new employer, if the potentially laid-off worker attains new skills

Local Boards must ensure that the employer demonstrates a commitment to retaining employees or otherwise providing a tangible benefit to employees who receive incumbent worker training.

Local Boards may establish additional criteria in determining whether incumbent worker training is appropriate.

Boards must be aware that providing WIOA Formula funded Incumbent Worker Training when there is no foreseeable threat of layoff does NOT constitute a layoff aversion strategy and is therefore not allowed by waiver.

C-104: Shared Work UNEMPLOYMENT COMPENSATION PLAN

A shared work unemployment insurance program is designed to help both employers and employees. It is an alternative for employers faced with a reduction in force. It allows an employer to divide the available work or hours of work among a specified group of affected employees in lieu of a layoff, and it allows the employees to receive a portion of their unemployment insurance benefits while working reduced hours.

To participate, an employer must have reduced the normal weekly hours of work for an employee in the affected unit by at least 20 percent (but not more than 40 percent), and the plan must apply to at least 10 percent of the employees in the affected unit who meet monetary requirements for regular unemployment

compensation. If the plan is approved by the Kansas Department of Labor (KDOL), workers who qualify for unemployment benefits can receive both wages and shared work benefits. The shared work benefits are the percentage of regular unemployment benefits matching the reduction described in the employer's plan.

For example:

A firm facing a 20 percent reduction in production may lay off one-fifth of its workforce. Faced with this situation, a company can retain its total workforce on a four-day-a-week basis. This reduction from 40 hours to 32 hours cuts production by the required 20 percent without reducing the number of employees. All affected employees receive their wages based on four days of work and, in addition, receive a portion of unemployment compensation benefits equal to 20 percent of the unemployment compensation weekly benefit amount payable had the employee been unemployed a full week.

- An employee normally works a 40-hour week. The employer reduces the work schedule by 20 percent. The employer submits a plan and is approved under the Shared Work Program.
- The employee qualifies for regular unemployment compensation with a weekly benefit amount (WBA) of \$190.
- $20\% \times 40\text{-hour work week} = 8$ hours reduction. Employee works and earns wages for 32 hours
- $20\% \times \$190 \text{ WBA} = \38 The employee receives \$38 of unemployment benefits in addition to the 32 hours of wages earned during the week.

Benefits paid under Shared Work Plans are charged to the employer's UI tax account for use in computing the employer's general tax rate. As such, benefits paid under the Shared Work Plan affect an employer's tax rates in the same way and to the same extent as other benefits charged to an employer's account.

The Kansas Department of Labor may approve a Shared Work Plan if:

- There is an "affected unit" of two or more employees.
- The normal weekly hours of work and corresponding wages for a participating employee are reduced in the plan by not less than 20 percent and no more than 40 percent.
- The plan applies to at least 10 percent of the employees in the affected unit.
- The plan describes the manner in which the participating employer treats the fringe benefits of each employee in the affected unit.
- The employer certifies that the implementation of a Shared Work Plan and the resulting reduction in work hours is in lieu of a temporary layoff affecting at least 10 percent of the employees in the affected unit and results in an equivalent reduction in work hours.

Shared Work Plan Application format:

- Name and KDOL employer serial number.
- Description of how fringe benefits will be affected by the plan.
- Concurrence of a bargaining representative if one exists.
- Certification that:
 - The plan applies to at least 10 percent of employees.
 - The reduction is in lieu of temporary layoffs.
- An attached listing of employees showing:
 - Full names
 - Social Security numbers
 - Certification that you have advised employees their identity will be verified with the Social Security Administration as part of their eligibility for benefits

An interested employer may obtain a *Shared Work Plan Application* form by going to our website at http://www.dol.ks.gov/ui/html/swpempinfo_BUS.html or by contacting the Kansas Department of Labor at (785) 291-6132.

LWDBs may include general information on the Shared Work Plan as part of an effective layoff aversion strategy. Boards must be aware that only Department of Labor U.I. representatives can provide the following assistance:

- Guidance to employers on UI and Regulations, mass claim filing assistance services and the Shared Work Plan; and
- Information to affected employees regarding specific UI benefits questions.

For more information, contact:

Website..... www.dol.ks.gov
E-mail..... sharedwork@dol.ks.gov
Phone.....(785) 291-6132

Layoff Aversion Technical Assistance Guide

Part D – Rapid Response

D-100: PURPOSE OF RAPID RESPONSE SERVICES

Rapid response services and activities are early intervention services designed to enable workers affected by closures or layoffs to transition to new employment as quickly as possible. Rapid response services begin upon receipt of:

- a Worker Adjustment and Retraining Notification Act (WARN) notice;
- public announcement;
- Trade petition; or
- other information that a permanent plant closure or layoff is planned;
 - or in the wake of a natural or other disaster that results in a mass job dislocation.

As part of rapid response services to employers, the LWDBs provide assistance during economic transitions in the LWDA labor market by establishing or maintaining relationships and disseminating information among stakeholders. These services also may include providing layoff aversion strategies to affected businesses to avoid or reduce the impact of a layoff, including services that would reduce the time an impacted worker is unemployed.

D-101: The 10 Principles of Rapid Response

The 10 principles of rapid response ensure that employees and employers receive the services they need. Published in the U.S. Department of Labor's (DOL) Employment and Training Administration Training Employment Information Notice 3-01, the 10 principles are:

1. **Timeliness:** The more quickly interventions begin, the more time employees have to prepare for reentry into the workforce.
2. **Convenience:** On-site group services and meetings promote convenience, ease of access, and provide familiar surroundings for employees.
3. **Customer Choice:** Customization enhances success. Items that can be customized include time, location, content, and duration.
4. **Consistent and Accurate Information:** To maximize the usefulness of information, it should be accurate, consistent, locally driven, timely, specific to the worksite, and include non-job-specific referrals to services and agencies.
5. **Leveraged Resources:** In-kind, cash, or tax credit resources can be combined with other available resources from employer, union, community, and economic development activities.
6. **Seamless Service Delivery:** Differences in programs and funding sources must be invisible to the customer. Coordination is the key to providing services through multiple organizations.

7. **Active Promotion:** Promote awareness and maximize the success of reemployment events and services through comprehensive, ongoing marketing outreach to employers, employees, organized labor, and community groups.

8. **Layoff Aversion:** Local rapid response teams can coordinate layoff aversion strategies that help retain or save jobs, extend the range of tools and relationships with other programs and organizations, and refer employers to other helpful entities. Focus layoff aversion strategies on helping the employer make changes to reduce or avoid layoffs. Remember, when worker at risk of dislocation *transitions to a different job with the same employer OR a new job with a different employer* and experiences *no, or a minimal, time unemployed*; a layoff has been averted.

9. **Measurable Goals:** Setting measurable goals that identify when programs are successful or have problems and require changes helps to ensure continuous improvement of rapid response activities.

10. **Partnerships:** Involving additional partners enhances flexibility to meet the needs of a unique workforce. Some common partners are **KANSASWORKS** Offices, unemployment insurance (UI), Trade Adjustment Assistance (TAA), and local economic development agencies. The appropriate involvement of a variety of other groups may also include vocational rehabilitation, child care agencies, mental health services, and community-based organizations.

D-102: Benefits of Rapid Response

Providing effective, timely rapid response services benefits displaced employees, current employers, prospective employers, and the community as a whole.

- Employees benefit through the provision of options and the ability to make the most informed decisions about their future.
- Employers benefit through decreased absenteeism, increased productivity, and decreased workplace hostility.
- UI costs are lower as employees are reemployed more quickly when services begin prior to layoff.
- Public relations are improved for the employer. Rapid response teams can work with the media to highlight services an employer is providing to employees during a layoff period, which will improve an employer's public image.
- Prospective employers also may see benefits in the form of ready-to-hire employees, while communities benefit from more economic stability when displaced workers find jobs quickly. Targeting specific employees and matching to specific employers through (invitation only) 'mini job fairs is an effective lay-off aversion strategy.

D-103: Eligibility

All employers and affected employees are eligible for rapid response services when there is an impending layoff, as well as at the time of or after a layoff. Boards must make rapid response services available as soon as possible to any employer requesting them.

D-104: Workforce Investment Act Requirements

Rapid response services are provided as part of a comprehensive workforce development system designed to respond quickly to employer, employee, and community needs when a mass layoff or plant closure appears imminent.

Boards must ensure that appropriate staff is available for immediate, on-site contact with the employer, representatives of affected employees, and the local community. On-site meetings can include discussions regarding the employer's layoff schedule, potential to avert the layoff, and resources or assistance for affected employees.

Boards must provide information and guidance to assist employers with the following:

- UI benefits, comprehensive Workforce Center services, and employment and training activities;
- Guidance or financial assistance in establishing a labor-management committee;
- Emergency assistance adapted to the particular closing, layoff, or disaster; and
- Assistance for chief elected officials to develop a coordinated response to the dislocation event and, as needed, to obtain access to state economic development assistance.

D-200: OVERVIEW OF THE RAPID RESPONSE PROCESS

D-201: Rapid Response Team

Rapid response services are best delivered through a team effort. The rapid response team is responsible for ensuring that activities are carried out and documented, and that employers and affected employees receive the greatest benefits possible. A rapid response team can include the following:

- . Rapid response coordinator;
- . UI representative;
- . Adult education representative;
- . TAA subject matter expert;
- . Representatives of agencies providing applicable services, as required; and
- . Other members as determined by the Board to best meet local needs.

D-202: Rapid Response Activities for Employers

Communication with the Employer

Boards must ensure that once notice of a layoff, closure, or disaster has been received, the rapid response Coordinator makes contact with the employer within 48 hours to provide information on available rapid response services.

The discussion can include the following:

- Gathering the employer's layoff plans and schedule(s);
- Description and scheduling of orientation meetings and workshops, preferably on-site and on the clock;
- Determining if an outplacement firm has been hired;
- Discussion of possible TAA connection to layoff;
- Discussion of worker transition committee/transition center if the layoff is a plant closure or if over 200 employees are affected;

- Discussion of and assistance with mass UI claims; and
- Additional items as identified by the LWIB.

If there is labor union involvement, a representative should be included in the communications

D-203: Workforce Investment Opportunity Act

D-203.a: Workforce Investment Opportunity Act Adult and Dislocated Worker Services

Affected employees meeting WIOA eligibility criteria are eligible for WIOA services under adult and dislocated worker programs.

Boards must provide information on services available through these programs to affected employees as part of the employee orientation meeting and begin transitioning eligible individuals who are interested in the services to the appropriate programs.

D-203.b: Workforce Investment Opportunity Act Adult Basic Education

Adult Basic Education (ABE), funded under Title II of WIOA, provides comprehensive English literacy services with basic instruction in reading, writing, and mathematics to adult learners.

ABE programs are available in all workforce areas and include:

- No-cost basic education services;
- GED test preparation; and
- English as a second language (ESL) services.

When a layoff event includes employees with needs related to ABE, adult education providers are important partners in providing services.

Boards must ensure that the coordination process begins as early as possible to allow providers sufficient lead time to develop a specific instructional response that will address the remediation needs of employees.

D-203.c: Workforce Investment Opportunity Act Rapid Response and Trade Adjustment Assistance

TAA assists individuals who have become unemployed as a result of increased imports from, or shifts in production to, foreign countries. When providing rapid response services to employers and employees, Boards must ensure that Rapid Response staff discusses the possibility of filing a Trade petition.

Trade petitions can be filed by an employer, a union official representing the employees, at least three employees, a community-based organization, or State or Local workforce agency. Once a petition is filed with DOL, the certification process can take up to 40 days or longer. Boards must ensure that WIOA rapid response services are provided to affected employees during the certification process period.

D-204: Layoff Notification

All rapid response services begin with a Board receiving notification of a layoff, closure, or disaster. Notification can come through:

- a WARN notice, submitted to Commerce or directly to a LWDB;
- the employer voluntarily notifying the LWDB or Commerce of an impending layoff;

- the media, e.g., a newspaper or radio station;
- informal sources such as letters or phone calls from an employer, union, or employee;
- community-based organizations; or
- local officials.

Note: If a LWDB receives notification of a layoff directly, the Board’s rapid response coordinator is responsible for reporting the information to Commerce.

At the earliest notice of a possible closing or layoff, the first priority is to consider ways to avert or lessen the impact of the layoff. It is critical to engage the company immediately and begin brokering resources.

- Items to be considered include:
- reason for the closure or downsizing;
- potential for other facilities to be affected;
- other related entities that might be affected, including suppliers, other subsidiaries, and local and regional communities;
- impact to existing customer base;
- dissemination of information to affected employees; and
- maintenance of confidentiality.

Additionally, Boards must ensure that rapid response teams are aware of the impact that the national and global economies will have on employers at the local level.

D-300: RAPID RESPONSE SERVICE TRACKING

Rapid response services can be provided through group workshops or activities at the employer’s worksite or at another location.

Boards must ensure that rapid response services provided are entered into the **KANSASWORKS** workforce information system, using the appropriate fund and service codes to track services employees receive.

Rapid Response includes services that are generally completed in a group setting.

Services provided under this fund code may include, but are not limited to, follow-up staff-assisted workshops and activities provided in group settings that relate to:

- crisis counseling;
- financial planning assistance, including financial management and debt management;
- job search assistance;
- labor market and career information;
- interview preparation;

- . résumé and application preparation;
- . stress/change management, including stress management related to job loss;
- . information related to TAA services;
- . UI claims information; and
- . other group workshops and activities not already identified but determined necessary.

List of Revisions

06/2013 - Original Release

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