Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number: 5-06-00

Originating Office: Workforce Services

Subject: Statewide Rapid Response Activities

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Programs: Workforce nnovation and Opportunity Act (WIOA)

Purpose: To transmit guidance regarding procedures for Statewide Rapid Response Activities.

Background: This document describes how Rapid Response activities will be carried out in the state.

Reference: WIOA Section 133 (a)(2) and 134 (2)(A)

Action: Provide this information to all appropriate individuals, especially those responsible for Rapid Response activities.

Contact: Questions should be directed to the State Rapid Response Coordinator, (785) 296-0607, TTY: 711, e-mail: WorkforceSvcs@ks.gov

Attachment: Application for Rapid Respose Funds: http://kwpolicies.kansascommerce.com/Pages/Default.aspx

Statewide Rapid Response Activities

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Statewide Rapid Response Activities

Background

Per the 2014 Workforce Innovation and Opportunity Act (WIOA), the Governor shall reserve not more than 25 percent of the total amount allotted to the state each fiscal year for statewide rapid response activities Those activities shall include: (1) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and (2) provision of additional assistance to local areas that experience disasters , mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas. (WIOA Sec. 134 (a)(2))

Policy Statements

Rapid Response funds are to be used in accordance with the criteria in WIOA Sec. 134 (a)(2).

Funds for Statewide Rapid Response activities are reserved under WIOA section 133(a)(2). Commerce may reserve up to 25% of the annual State Formula Dislocated Worker allocation for Rapid Response activities. After reserving sufficient amounts to fund the activities of the State Rapid Response Unit, the remainder shall be awarded to designated entities (local boards) upon receipt of an approved Application for Rapid Response Funding.

Priority of Funding

The first priority for funding applications are those required **Rapid Response** (RR) activities; including agreements with local boards to provide:

a. Immediate and onsite contact with the employer, representatives of affected workers, and the local community; which may include an assessment of:
    i. lay-off schedule and plans of the employer
    ii. potential for averting the layoff in consultation with state or local economic development agencies
    iii. background and probable assistance needs of the affected workers
    iv. reemployment prospects for workers in the local community; including:
        1. Job Fairs, resource fairs, and outplacements activities targeted to impacted employees of a specific
    v. available resources to meet the short and long-term needs of the affected workers
b. The provision of information and access to:
    i. unemployment compensation benefits,
    ii. comprehensive One-Stop system services, and
    iii. employment and training activities, including information on Trade Adjustment

Assistance (TAA)

c. The provision of guidance and/or financial assistance in establishing a labor-management committee including:
    i. provision of training and technical assistance to committee members in their role and mission
    ii. funding the operation cost of the committee to provide advice and assistance in carrying out rapid response activities and in the design and delivery of WIOA authorized services to affected workers. (typically no longer than six months)
    iii. providing a list of potential candidates to serve as a neutral committee chair
d. The provision of emergency assistance adapted to a particular closing, layoff or disaster

2. The second priority for funding applications is for allowable **Rapid Response Enhancement** (RRE) activities*, including:
    a. In conjunction with other appropriate Federal, State and Local agencies and officials such as government agencies, employer associations, technical or industry business councils and labor organizations, economic development agencies; and education agencies:
        i. Assisting in devising, implementing and overseeing layoff aversion strategies including:
            1. prefeasibility studies for avoiding a plant closure
            2. incumbent worker training to avert a layoff or reduce/eliminate worker dislocation
            3. strategies and activities to transition workers to jobs with other employers, with the objective of eliminating or significantly reducing any period of unemployment
            4. development and maintenance of early warning systems for the exchange of information relating to potential dislocations
    b. In conjunction with appropriate State LMIS and economic development agencies:
        i. Collection and analysis of information relating to economic dislocation
        ii. Review and evaluate rapid response and layoff aversion efforts
    c. Capacity building including innovative strategies for serving workers affected by smaller layoffs

    *Please refer to the Commerce **Technical Assistance Guide for Layoff Aversion** for additional guidance and activities which may be conducted.

3. The third priority for funding applications, after adequate funding has been reserved for required rapid response and rapid response enhancement activities, is for allowable **Rapid Response Additional Assistance** (RRAA) activities.

Allowable RRAA activities are limited to provision of direct services (e.g., intensive and training) to individuals affected by natural disasters, workplace closings, mass layoffs or other dislocation events.

A local area must demonstrate:

1. increased numbers of unemployed individuals attributable to a specific dislocation event or events, and
2. insufficient local funds to provide direct services to the identified dislocated workers

Eligibility Criteria

Entities eligible to receive State 25% Rapid Response funds are limited to the five (5) Local Boards (designated entities) within the state.

Local board Role

Local boardss should submit requests for project funding following the same timelines noted in the process flow and timelines document below. Additional Assistance is awarded as funds are available and based on demonstrated need. Local boards should complete the Application for Rapid Response Funding to submit viable projects for consideration of award.

Procedures

Application for Rapid Response Funding

Rapid Response required activities (RR)

- Applications for Rapid Response (required activities) funds are due by May 15 for the upcoming Program Year.
- Proposals should be based on anticipated need rather than awards amounts available.
- Submit completed applications to workforcesvcs@kansasworks.com with the subject "Application for Rapid Response Funding"

Documents

- Application for Rapid Response Funding

Rapid Response Enhancement Activities (RRE)

- Applications for Rapid Response Enhancement funds are accepted at any time through a program year
- Proposals should be based on demonstrated need rather than state fund amounts available.
- Submit completed applications to: workforcesvcs@kansasworks.com with the subject "Application for Rapid Response Funding"

Documents

- Application for Rapid Response Funding

Rapid Response Additional Assistance (RRAA)

- Applications for Rapid Response Additional Assistance funds are accepted at any time through a program year
- Application for Additional Assistance ***must*** be based on demonstrated financial need ***and*** attributable to an event, events or a specific layoff aversion activity.
- Submit completed applications to: workforcesvcs@kansasworks.com with the subject "Application for Rapid Response Funding"

Documents

- Application for Rapid Response Funding

AWARDS

Local boards will receive formal notification of all awards decisions. Decisions in the affirmative will include an award document (Sub-Award Grant Agreement) with any special provisions, assurances and/or conditions for the authorized use of funds. Funds may be awarded incrementally, subject to demonstrated performance including expenditures, and achievement of goals and objectives.

RR Procedures

The Kansas Department of Commerce (Commerce) state Rapid Response Coordinator is responsible for overseeing statewide Rapid Response services. Each local area has a designated Local Rapid Response Coordinator who works closely with the State Rapid Response Coordinator.

State Rapid Response Coordinator Responsibilities

State Rapid Response Coordinator responsibilities include the following:

- Provide overall grant management of the Rapid Response program;
- Serve as the central point of communication;
- Provide training and technical assistance to the local areas;
- Develop prospective strategies for addressing dislocation events that ensure rapid access to the broad range of allowable assistance in conjunction with other appropriate federal, state and local service

agencies and officials, employer associations, technical or other business councils and labor organizations;

- Compile information and distribute it to the **KANSAS**WORKS State Board, the USDOL, and others as needed;
- Serve as the state Worker and Retraining Notification (WARN) contact. E-mail WARN notices to Local Rapid Response Coordinators, local UI representatives, local Regional Operations Managers and the State Trade Act Coordinator within 24 hours. Fax a copy of the letter to the local Coordinator;
- Establish and maintain the WARN online data base;
- Coordinate outreach efforts regarding Rapid Response;
- Establish and maintain dislocated worker and Rapid Response information on the Department of Commerce and **KANSAS**WORKS.com websites;
- Work with Local Coordinators to ensure the materials for informational packets are up-to-date, appropriate and useful;
- Review and make recommendations on requests for Rapid Response services;
- Monitor participation in all planned activities to ensure appropriate and meaningful activities and programs are being provided;
- Develop and maintain communication and coordination with the local boards chief elected officials (CEOs), business retention and recruitment organizations, economic development agencies, employer associations, business councils, labor organizations and technical councils to ensure all employer needs are met, including those related to Rapid Response;
- Work with the Kansas Department of Labor (KDOL) , Labor Market Information Services (LMIS) unit, to develop resources to provide economic trends, current labor market information and employer and worker needs;
- Continually evaluate and improve Rapid Response services; Work with the State Trade Act Coordinator following the certification of a petition and;
- Keep the **KANSAS**WORKS State Board informed of all Rapid Response activities.

Local Rapid Response Coordinator Responsibilities

Local Rapid Response Coordinator responsibilities include the following:

- Initiate early intervention services. Immediate contact shall be made with the employer and/or representatives of the affected workers. Immediate shall be within 48 hours of notification that a layoff incident has occurred;
- Make initial contact with state unemployment insurance (UI) officials to inform them of the layoff and to arrange for a UI staff person to serve as the local contact and designee for on-site meetings to discuss UI benefits;
- Notify affected workforce center operator and workforce center partner agencies of a layoff incident. Notification shall occur as soon as all pertinent information is gathered unless the employer requests otherwise;

- Contact Commerce to request statewide materials and folders as well as collection and assimilation of information to be provided at employee meetings. The Coordinator shall determine if such information is relevant and complies with applicable standards for Rapid Response. Agency and service provider materials shall be made available to the Coordinator in advance of all employee meetings. The Coordinator shall notify entities if the materials do not meet standards. The Coordinator shall assemble all such materials in a packet for distribution at local employee meetings and shall coordinate the distribution of these materials with the workforce center operator(s) whose jurisdiction covers the affected employer and laid-off workers;
- Work with employers, affected employees and union representatives to identify the types of services the employer and the affected workers need;
- Conduct outreach if the layoff has already occurred and the affected employees are no longer available at the layoff site;
- Organize and manage meetings for impacted employees informing them of services and programs available to them including, but not limited to, the following:
  - Career counseling and job search assistance
  - Resume preparation and interviewing assistance
  - Education and training opportunities
  - Labor market information and reemployment prospects
  - Unemployment insurance (a designated representative is on-site whenever possible. Non-UI team members may provide general information about unemployment insurance, but may not perform the duties of an unemployment insurance representative);
  - Local supportive services (i.e. legal aid, United Way, faith-based and community organizations, food and clothing banks, mental health and family counseling and other relevant services such as displaced homemaker services);
  - COBRA and HIPAA (written information at a minimum);
  - Information on how to survive a layoff (written information at a minimum)
  - Other available resources to meet the short and long-term assistance needs of the affected workers
    - Entities that may participate in Rapid Response meetings include, but are not limited to, the following:
      - Chambers of commerce;
      - Consumer credit counseling;
      - Economic development organizations;
      - Education institutions;
      - Elected officials;
      - Kansas Department for Children and Families;
      - Training providers;
      - Local boardss;
      - Faith-based and community organizations;
      - Veterans office;
      - Workforce centers;
      - Small Business Administration;
      - Unemployment insurance; and
      - United Way agencies.
    - In most cases, these are agencies affected workers are referred to.

- Identify special needs requirements and provide accommodations – language interpretation or handouts, hearing-impaired services and/or services for people with disabilities;
- Administer and collect survey information including the following:
  - Individual background information;
  - Job information about the position they were laid off from;
  - Future plans/interests/needs and ;
  - Satisfaction about the meeting.
- Once the surveys are collected, make sure copies go to the State Rapid Response Coordinator for compilation of data by KDOL, LMIS. Also, to ensure proper and appropriate follow-up occurs, the referral process should be followed;
- Submit a quarterly report to the State Rapid Response Coordinator concerning Rapid Response activities during the quarter, including a summary of expenses incurred. This report shall be submitted no later than 30 days following the end of each quarter and;
- Compile an annual report on the effectiveness of the Rapid Response effort in the local workforce investment area, evaluate the strengths and weaknesses and provide productive recommendations to Commerce on how the system may be improved. The annual report shall be submitted to the State Rapid Response Coordinator within 60 days after the end of the fiscal year.

Worker Adjustment and Retraining Notification (WARN) Database

The State Rapid Response Coordinator reports on Rapid Response activities using the interactive WARN Database. The WARN Database contains the name and address of the company, appropriate contacts including the names and contact information for union officials, number of affected workers and significant dates relating to Rapid Response activities.

The WARN Database is incorporated into **KANSAS**WORKS.com. Enrollments in Rapid Response activities and NEGs are tracked in ServiceLink. The State Rapid Response Coordinator maintains reports on services.

Click here to access the WARN Database. If the link fails, the WARN Database may be found at **KANSAS**WORKS.com. Click *Resources* > *Employer Resources* > *Other Federal Programs*. Then click *Closings and Mass Layoffs*. Scroll to the bottom of the page and click *Search our database.*….

Initiation of a Rapid Response

Rapid Response activities are initiated when the State or Local Rapid Response Coordinator becomes aware of an impending layoff of any size. A WARN notice may be initiated from the following:

- Employer - Upon receipt of the official WARN notification from the employer, the State or Local Rapid Response Coordinator contacts the employer within 48 hours of the notice to offer Rapid Response services.

- Kansas Department of Commerce - Any Commerce employee who receives notification of non-WARN information must send that information to the State Rapid Response Coordinator within 24 hours. The State or Local Rapid Response Coordinator contacts the employer within 48 hours from the time they are notified.

- Workforce Center Partner – If a workforce center partner (who is not part of the local Rapid Response delegation) receives or learns of a layoff, they must notify the State or Local Rapid Response Coordinator. The State or Local Rapid Response Coordinator contacts the employer within 48 hours of learning of the layoff.

- Newspaper Articles or Broadcast News - The State or Local Rapid Response Coordinator contacts the employer within 48 hours of receiving information from newspaper articles or broadcast news.

- Other - Other notifications may include phoned-in leads, employer contacts, and notification from the USDOL or Trade Act program certifications. The State or Local Rapid Response Coordinator contacts the employer within 48 hours of learning of the impending layoff.

Employer Contact

The State or Local Rapid Response Coordinator makes immediate contact with the employer to determine the layoff plans and to schedule informational meetings for the affected workers. The goal is to hold pre-layoff meetings at the work-site; however, the details are determined based on the employer's needs and desires. Every effort is made to best accommodate the employer and promote attendance. Post-layoff informational meetings may also be arranged and held, if necessary.

Union Contact

When the affected workers are organized under a union, the Local Rapid Response Coordinator notifies the local or regional union office of the time, date and location of the pre-layoff informational meeting so the union may promote the meeting to its members. If meetings cannot be held at the work site, the union hall may be a suitable alternative. The order of preference for meeting location is first, the work site; second, the union facility; and third, another location approved by labor and management.

Labor Management Committee

The State Rapid Response Coordinator may provide guidance and/or financial assistance in establishing a labor-management committee voluntarily agreed to by labor and management or a workforce transition committee comprised of representatives of the employer, the affected workers and the local community, as appropriate. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. The State Rapid Response Coordinator may provide the following assistance to the labor-management committee:

- Training and technical assistance;
- Funding for the labor management committee's operating costs (typically, such support lasts no longer than six months); and
- A list of potential candidates to serve as a neutral chairperson.

Rapid Response Services and Workforce Center Activities

As part of all Rapid Response meetings, information is presented about services available through **KANSAS**WORKS—the statewide workforce system. Staff that deliver services in the workforce center may provide information during the Rapid Response meetings or this will be covered by the Local Rapid Response Coordinator. Eligible dislocated workers are provided services at the meetings or are referred to the workforce center for further evaluation and services. These services must include, but are not limited to:

- WIOA eligibility determination
- Case management
- Skills assessment
- Resume writing and interview techniques
- Labor market information
- Job matching services
- Occupational training

Rapid Response as a Business Service

The State Rapid Response Coordinator may develop additional activities to provide effective Rapid Response services upon notification of a permanent closure, layoff or other disaster resulting in a mass job dislocation. These services may include the following:

- Assistance to local communities, local boards, and CEOs to develop a coordinated response to dislocation events, and, as needed, obtain access to state economic development assistance. Such coordinated response may include the development of an application for National Emergency Grants for discretionary funds;
- Linkages with appropriate agencies, employer associations, local boards, business councils, and labor organizations for developing a strategy to serve impacted employees and to provide emergency assistance adapted to the particular closing, layoff or natural disaster;
- Strategies for layoff aversion in conjunction with economic development agencies, including Commerce programs and available state and local business retention and recruitment activities. Such activities may include identifying strategies for the possible aversion of layoffs, coordinating feasibility studies or avoiding plant closure through an option for a company or the workers to purchase the plant or business and continue its operation; and
- Interpretation of the requirements of all workforce development programs and their implementing regulations.

National Emergency Grant

Layoffs of over 150 workers may require a National Emergency Grant (NEG). NEGs are discretionary awards that temporarily expand service capacity at the state and local levels through time-limited funding assistance in response to significant dislocation events.

Layoff Aversion

The state may use Rapid Response funds for incumbent worker training as part of a layoff aversion strategy. Incumbent workers do not have to meet the definition for intensive and training services for employed adults and dislocated workers under WIOA.

Toward the goal of layoff aversion, the State Rapid Response Coordinator may also support pre-feasibility studies of avoiding a plant closure through such options as a company or group, including the workers, to purchase the plant or company and continue its operation.

The State Rapid Response Coordinator will coordinate with the Kansas Industrial Retraining (KIR) Program. The KIR Program helps employers restructure their business operations through incorporation of one or more of the following: existing technology, product diversification and/or new product development. The KIR Program can provide funds (up to $2,000 per trainee) to help employers retrain employees who are likely to be displaced because of obsolete or inadequate job skills or knowledge. Employers are required to match state program funds and must show financial strength adequate to accomplish the goals of the project.

The State Rapid Response Coordinator will also work with KDOL to promote the Shared Work program. The Shared Work Program is designed to help both employers and employees. It is an alternative for employers faced with a reduction in workforce and allows an employer to divide the available work or hours of work among a specified group of affected employees in lieu of a layoff. Shared Work allows the employees to receive a portion of their unemployment insurance benefits while working reduced hours.