

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 01-10
<b>Date:</b>	January 8, 2010
<b>Keyword:</b>	Dislocated Worker; TWIST; UI
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Laurence M. Jones, Director, Workforce Development Division

**Subject:** **Rapid Response Early Intervention Services**

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with guidance on the provision and documentation of rapid response services to affected workers and employers, specifically:

- notification of layoff, including a new Rapid Response Layoff Notification/Action Form (Attachment 1);
- rapid response services to employers;
- rapid response services to affected workers; and
- service tracking in The Workforce Information System of Texas (TWIST).

### **BACKGROUND:**

Rapid response services and activities are early intervention services designed to enable affected workers 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, a public announcement, a Trade petition, or other information that a permanent plant closure or mass layoff is planned; or a natural or other disaster that results in a mass job dislocation.

As part of rapid response services to employers, Boards provide assistance during economic transitions that affect the local 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.

### **PROCEDURES:**

Boards must ensure that rapid response services:

- flow seamlessly from initiation of services to the transition to reemployment or other workforce services, as applicable;

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- provide an integrated array of services; and
- benefit eligible affected workers by meeting their individual needs.

**Notification of Layoff**

Boards must establish contact, by phone or in person, with employers and representatives of affected workers—within 48 hours of receiving a WARN notice, a public announcement of a layoff, or notification that a Trade petition has been filed—to assess employer and employee early intervention needs.

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Within 72 hours of notification of the layoff event, Boards must:

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- complete the Rapid Response Layoff Notification/Action Form; and
- e-mail the form to Layoff Notification Central at [layoff.notificationcentral@twc.state.tx.us](mailto:layoff.notificationcentral@twc.state.tx.us).

**Rapid Response Services to Employers**

Boards must provide rapid response services to employers that include:

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- immediate and on-site contact with the employer—to the extent practical or allowed by the employer—as well as representatives of the affected workers, and the local community;
- guidance and/or financial assistance to establish a labor-management committee voluntarily agreed to by labor and management, or a workforce transition committee comprising representatives of the employer, the affected workers, and the local community that devises and oversees an implementation strategy to respond to the reemployment needs of affected workers;
- emergency assistance adapted to the particular closing, layoff, or disaster;
- development of a coordinated response to the dislocation event; and
- state economic development assistance, as needed.

As part of a coordinated response, Boards may develop an application for a National Emergency Grant (NEG) under 20 C.F.R. Part 671 [Workforce Investment Act (WIA) §101(38) and §134(a)(2)(A)]. State office staff is available to assist Boards with NEG applications.

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Boards may provide the following assistance, as well as other services, to the labor-management committee:

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- Training and technical assistance to committee members
- Funding of the committee’s operating costs to enable it to provide advice and assistance on delivering rapid response and WIA services to affected workers (funding not to exceed six months)
- Development of a list of potential candidates to serve as a neutral chairperson of the committee

Boards must assess the following, initially and on a continuing basis, as part of their rapid response strategies and plans:

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- Employers’ layoff plans and schedule

- Potential for averting the layoff(s), in consultation with state or local economic development agencies, including private-sector economic development entities
- Background and probable assistance needs of the affected workers
- Reemployment prospects for affected workers in the local community
- Available resources to meet the short- and long-term assistance needs of the affected workers

When working with employers, it is recommended that Boards implement a scalable approach—in which the intensity and array of services and strategies progress—that factors in:

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- the number of affected workers;
- the types of occupations or industries in which affected workers were employed;
- the duration of the dislocation event (e.g., the layoffs are staggered over a period of months); and
- the economic and social impact of the layoffs to the local community or labor market.

### **Rapid Response Services to Affected Workers**

Boards must ensure that rapid response services to affected workers are provided either on-site or at a Texas Workforce Center or other appropriate location and include:

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- an orientation on available workforce program services;
- information on and assistance with filing for unemployment insurance (UI) benefits;
- information on Trade services available through Texas Workforce Centers;
- a survey of affected workers' employment, knowledge, skills, and abilities; and
- other services, such as workshops and seminars on tools that will assist with a rapid transition to new employment.

The Texas Workforce Commission UI Division's Dislocated Worker and Field Services (DWFS) representatives provide a valuable resource by offering UI advice and guidance to employers and affected workers as part of rapid response services. Boards must be aware that only DWFS representatives can provide the following assistance:

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- Guidance to employers on the UI Division's UI mass claim filing assistance services and the UI Shared Work Compensation program, as part of the rapid response services planning process
- Information to affected workers regarding specific UI benefits questions, during the provision of rapid response orientation services

Boards may access a current list of DWFS representatives on the Intranet at <http://intra.twc.state.tx.us/intranet/wf/html/bdtools.html>. *[Note: The Intranet site is not available to the general public.]*

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Boards may provide information to affected workers on their right to file a Trade petition and procedures for doing so. Additional information is located in the “Integration of Trade Services for Dislocated Workers: A Comprehensive Guide” at <http://www.twc.state.tx.us/boards/guides/tradeguide.pdf>.

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**TWIST Service Tracking**

Boards must register affected workers and record the provision of rapid response services to affected workers in TWIST according to TWIST data entry deadlines. (See TA Bulletin 209 for rapid response service tracking instructions.)

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At a minimum, Boards must collect the following data and enter it into TWIST:

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- The information on the TWIST Rapid Response Registration form to register affected workers
- The information on the TWIST Rapid Response Survey form concerning the survey of affected workers’ employment, knowledge, skills, and abilities

Both TWIST forms can be accessed on the Intranet at [http://intra.twc.state.tx.us/intranet/gl/html/forms\\_index.html](http://intra.twc.state.tx.us/intranet/gl/html/forms_index.html).

Boards must be aware that the submission of the Local Rapid Response Monthly Activity Report is no longer required; a new TWIST Web Report is being developed to replace it.

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**INQUIRIES:**

Direct inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**ATTACHMENT:**

Attachment 1: Rapid Response Layoff Notification/Action Form and Instructions

**RESCISSIONS:**

WD Letter 41-02

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**REFERENCE:**

Workforce Investment Act (Public Law 105-220)  
Worker Adjustment and Retraining Notification Act (Public Law 100-379)  
20 C.F.R. Part 671 [WIA §101(38) and §134(a)(2)(A)]  
TA Bulletin 209, issued August 14, 2009, and entitled “Rapid Response Service Tracking”

**FLEXIBILITY RATINGS:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”