

# Rapid Response Guide

## October 19, 2021

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## Overview

This guide provides information about Workforce Innovation and Opportunity Act (WIOA) Rapid Response and Layoff Aversion policies and procedures in Texas, including Rapid Response and Layoff Aversion services and funding. This guide also provides operational guidance for Local Workforce Development Boards (Boards) to implement Rapid Response and Layoff Aversion activities throughout the state and establishes expectations for Board program design and service delivery to ensure consistency in service.

Rapid Response is a flexible, proactive, business-focused strategy designed to respond to layoffs and business closings by quickly coordinating workforce services and providing companies and their affected workers with immediate access to those services and information. Rapid Response teams work with employers and employees to minimize disruptions caused by layoffs through the mobilization of public and private resources. Rapid Response also provides customized services on-site at affected companies to help the companies and workers as quickly as possible.

The purpose of Rapid Response is to promote economic recovery and vitality by developing ongoing comprehensive approaches to identifying, planning for, or responding to layoffs and dislocations and preventing or minimizing their impacts on workers, businesses, and communities.

## Rapid Response Activation

Boards must offer Rapid Response services when one of the following qualifying events is met:

- An announcement or notification of a permanent business closure, regardless of the number of workers affected
- An announcement or notification of a mass layoff, defined as:
  - a layoff affecting 50 or more workers; or
  - a layoff for which a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the announced layoff
- A mass job dislocation in a particular area resulting from a natural or other disaster
- The filing of a Trade Adjustment Assistance (TAA) petition.

## Layoff Notification

All Rapid Response services begin when a Board receives notification of a layoff, closure, or disaster. Notification may come from a number of sources and in a variety of forms, including:

- a WARN notice, submitted to the Texas Workforce Commission (TWC) or directly to a Board;
- the employer voluntarily notifying the Board or TWC of an impending layoff;
- the media (for example, a news report);

- informal sources, such as letters or phone calls from an employer, union, or employee; or
- communications from community-based organizations or local officials.

At the earliest notice of a possible closure or layoff, the priority is to consider ways to avert or lessen the impact of the layoff. Boards must engage the company immediately and begin brokering resources. The Board’s response must account for:

- the reason for the closure or layoff;
- the potential for other facilities to be affected;
- other related entities that might be impacted, including suppliers, other subsidiaries, and local and regional communities;
- the impact on the business’s existing customer base;
- the dissemination of information to affected employees; and
- the maintenance of confidentiality.

## Rapid Response Services

Boards must ensure that Rapid Response services are provided whenever a qualifying event occurs. Rapid Response services must include immediate on-site contact with the affected employer and representatives of the affected workers—who may also be the workers themselves—and the local community. The on-site contact must:

- include an assessment of and plan to address:
  - the company’s plan and schedule for implementing the layoff or closure; and
  - the affected workers’ backgrounds and probable assistance needs;
- help affected workers register in WorkInTexas.com (WIT), the state’s labor exchange system;
- coordinate available resources to meet the long- and short-term assistance needs of the affected workers;
- provide information on and assistance to workers in filing for unemployment insurance (UI) benefits;
- inform employers of available UI programs, such as Short-Time Compensation, designed to avert or minimize the impact of layoffs;
- provide information on and assistance to employers and workers in filing for Trade Adjustment Assistance (TAA) program benefits (please see <https://twc.texas.gov/files/partners/trade-adjustment-assistance-guide-twc.docx> for specific Rapid Response services to provide to employers and potential trade-affected workers); and
- provide affected workers with information and access to the comprehensive employment and training activities available through the local Workforce Solutions Offices, including

available workshops, classes, job fairs, and other services and resources to support reemployment.

Employers and employees benefit from the quick implementation of Rapid Response services. Meeting on-site with affected workers as soon as possible after notification of a qualifying event (and before a layoff, ideally) allows employees to access services and programs that help them manage a difficult transition as quickly as possible.

Employers benefit from early delivery of Rapid Response services in the following ways:

- Higher productivity and worker morale, which leads to lower absenteeism during the layoff event
- Lower UI costs, as workers are reemployed more quickly, especially when services begin before the layoff
- Decreased likelihood of sabotage or work disruptions
- Better public relations, media, and rumor management

## Rapid Response Team

Rapid Response services are best delivered through a team effort comprising state, Board, and Workforce Solutions Office staffs. The Board's 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. TWC requires each Board's team to include a Rapid Response coordinator, who works with the state Rapid Response coordinator. A Rapid Response team may also include:

- a UI representative;
- an adult education representative;
- a TAA subject matter expert;
- a communications or media relations representative;
- representatives of agencies providing applicable services, as required; and
- other members as determined by the Board to best meet local needs.

## TWC State-Level Responsibilities

TWC's Board Services Strategies department is responsible for:

- providing support and assistance to Boards in implementing policies and delivering services;
- providing the Rapid Response control number to Boards;
- entering employer data in the Texas Rapid Response Accountability Compliance System (TRRACS), The Workforce Information System of Texas (TWIST), and WIT;
- assisting with filing trade petitions, when appropriate;

- notifying the Board of a trade petition filing; and
- managing the National Dislocated Worker Grants (NDWG) under Rapid Response and Layoff Aversion.

### Board-Level Responsibilities

Board-level staff must:

- complete a Rapid Response Layoff Notification/Action Form and forward it to [layoff.notificationcentral@twc.texas.gov](mailto:layoff.notificationcentral@twc.texas.gov) if a Board receives notification of a layoff or closure;
- reach out to the employer to gather information regarding the layoff on the same business day as the notification of layoff or pending qualifying event;
- facilitate coordination between the Workforce Solutions Office and the employer to ensure delivery of appropriate services;
- , ensure information about services available through the adult and dislocated worker programs has been provided to employee orientation meeting attendees;
- ensure that interested eligible individuals are transitioned to the appropriate programs and services;
- ensure that Workforce Solutions Office staff members discuss the possibility of filing a trade petition;
- provide layoff and closure information to the state office; and
- oversee the Rapid Response program.

Note: Boards may satisfy these requirements through Workforce Solutions Office service providers.

### Local Workforce Solutions Office Responsibilities

Workforce Solutions Office staff must:

- initiate contact with employers (depending on Board policy);
- arrange on-site meetings with employers (depending on Board policy);
- conduct on-site meetings with employers;
- provide Rapid Response orientations to affected workers;
- provide reemployment services to affected workers, including organizing job fairs, workshops, and classes; and
- enter appropriate data into TWIST system and WIT.

Note: Although a Board may be designated as an administrative entity, it is prohibited from directly providing workforce training and services unless a waiver is obtained, in accordance

with [WD Letter 51-97, issued September 19, 1997, and titled “Technical Assistance on Local Workforce Board Governance Structure.”](#)

## On-Site Meeting

Boards must ensure that appropriate contractor staff is available for immediate on-site contact with the employer, representatives of affected employees, and the local community. Boards must ensure that once notice of a layoff, closure, or disaster has been received, the Rapid Response team contacts the employer within 48 hours to schedule an on-site meeting to provide information on available Rapid Response services. The initial contact with employers must take place within five working days from receipt of notification.

The on-site meeting agenda must include:

- gathering the employer’s layoff plans and schedule
- describing and scheduling orientation meetings and workshops for affected workers, preferably on-site and during work hours;
- determining whether an outplacement firm has been hired;
- discussing possible TAA connection to the layoff;
- discussing the establishment of a worker transition committee or transition center if the layoff is the result of a plant closure or if more than 200 employees are affected;
- discussing shared work, Short-Time Compensation, and UI programs designed to avert or lessen the impact of layoffs;
- discussing and assisting with mass UI claims; and
- discussing additional items as appropriate.

If there is labor union involvement, a representative may be included in the on-site meeting. If a joint meeting with both employer and union representatives is not possible, separate meetings may be arranged. If two meetings are held, it is necessary to ensure that the same information is provided to both parties.

## Orientation for Affected Workers

The orientation is the first step in engaging affected workers. The orientation must include:

- information and access to services provided through Workforce Solutions Offices;
- assistance to employees with registering in WIT, the state’s job exchange;
- information on resources to help employees enroll in training or find employment, including:
  - job fair calendars;
  - seminar schedules;
  - Workforce Solutions Office information;
  - group stress management seminars;

- group financial management seminars;
- change management seminars;
- debt management;
- labor market information;
- peer counseling; and
- crisis counseling;
- job search assistance
- information on filing UI claims; and
- information on filling for Trade Adjustment Assistance benefits.

Best practices for orientations include conducting orientations at the employer’s location, providing licensed counselors for those who need emotional support, and providing training on handling conflict and adverse situations for staff members who conduct orientations.

## Contract Action Requests

Texas reserved a portion of Rapid Response funds at the state level for Boards demonstrating a need for additional assistance for local workforce development areas (workforce areas) that show a substantial increase in the number of dislocated workers due to a disaster, mass layoff, or plant closing.

Boards that require additional assistance funds must apply to TWC by following the Contract Action Request guidance provided in WD Letter 12-17, Change 1, issued August 22, 2018, and titled “Contract Action Requests—*Update*”; completing the appropriate sections of the [Contract Action Request](#) (CAR) form; and emailing the completed CAR form to [CAR@twc.texas.gov](mailto:CAR@twc.texas.gov). Boards will receive an email acknowledging receipt of the CAR form from their designated contract manager by the next business day. TWC will approve or deny requests within 14 days of receipt unless additional information or negotiation is required. The effective date of the contract amendment will be set no earlier than two weeks after management approval.

Boards no longer need to submit a CAR form for transfer designation requests; they must instead submit a written request electronically to [CAR@twc.texas.gov](mailto:CAR@twc.texas.gov) including the grant award number, the amount, and a justification for the action request.

Boards must be aware that additional assistance funds may be used for direct services, which may include but are not limited to the following:

- Individual counseling and career planning
- Case management
- Skills upgrading and retraining
- Entrepreneurial training

Eligibility determination is required for participants to receive services using WIOA dislocated worker additional assistance funds.

Note: As part of a coordinated rapid response effort, Boards may develop an application for a NDWG under 20 CFR Part 687, WIOA §3(51), and WIOA §134(a)(2)(A). State office staff is available to help Boards with NDWG applications.

## Rapid Response Service Tracking

TWIST fund code *101 – Rapid Response* covers services that are generally completed in a group setting.

Services provided under this fund code include but are not limited to 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 and 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.

The following service codes are available for use under TWIST fund code *101 – Rapid Response*:

| Service Code No. | Service Code Name     | Description   |
|------------------|-----------------------|---|
| 12               | Job Search Assistance | <p>Provides information or assistance in a job seeker’s search for employment.</p> <p>Rapid Response—Used for staff-assisted group workshops or activities designed to help participants secure immediate employment.</p> |

|    |  |   |
|----|--|---|
| 15 | Group Workshops/<br>Activities         | <p>Provide workshops and activities in a group setting. Workshops and activities include topics such as crisis counseling.</p> <p>Rapid Response—Used only for staff-assisted group workshops or activities not identified by another service code. TWIST counselor notes must indicate the nature of the workshop or activity.</p>                   |
| 16 | TAA/Orientation                        | <p>Provides job seekers with the TAA Handbook (TAA-50E or TAA-50S), which includes information on rights, responsibilities, and benefits under the TAA program as well as information on related assistance available through Workforce Solutions Offices.</p> <p>Rapid Response—Used for group orientation to inform recipients of TAA services.</p> |
| 17 | Stress<br>Management<br>Group Activity | <p>Provides information relating to stress management.</p> <p>Rapid Response—Used for workshops or activities that provide information on managing stress associated with job loss.</p>   |

Note: TWIST fund code 100 – *WIA/WIOA Dislocated Worker Additional Assistance* covers direct services available only to Boards that have applied for this additional funding and have a contract to use additional assistance funds.

Updated employer accounts reflect contact and services that are provided, including:

- outreach to promote the use of Workforce Solutions Office facilities and services;
- entry, review, and maintenance of job postings in WIT;
- making contacts and filling job postings;
- providing specialized testing;
- technical assistance with WIT;
- recruitment assistance;
- information on employment-related issues;
- employer training services;
- rapid response to layoffs and business closures;
- agricultural clearance;

- Work Opportunity Tax Credit (WOTC) services; and
- WIT.

## Layoff Aversion

The US Department of Labor Employment and Training Administration (DOLETA) defines “layoff aversion” as “the prevention or minimization of unemployment, either for employees of companies that have announced layoffs, are struggling, or are looking to retool for new products or industries, through a range of strategies and approaches.”<sup>1</sup>

WIOA regulations require that states and Boards have the capability to conduct layoff aversion; however, it is left to the discretion of the Boards to determine which strategies and activities are applicable in a given situation, based on specific needs, policies, and procedures within the state and Boards’ workforce areas. Per the requirements of the Rapid Response program, Boards may provide the following layoff services as appropriate for the situation:

- Ongoing engagement, partnership, and relationship-building activities with businesses in the community to create an environment for successful layoff aversion efforts and to enable provision of assistance to dislocated workers in obtaining reemployment as soon as possible
- Helping employers manage reductions in force, including early identification of firms at risk of layoffs as well as assessment of the needs of and options for at-risk firms
- Funding feasibility studies to determine whether a company’s operations may be sustained through a buyout or other means to avoid or minimize layoffs
- Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches
- Connecting companies to the following:
  - State Short-Time Compensation or other programs designed to prevent layoffs or to quickly reemploy dislocated workers
  - Employer loan programs for employee skill upgrading
  - Other federal, state, and local resources, as necessary, to address other business needs
- Establishing linkages with economic development activities at the federal, state, and local levels, including US Department of Commerce programs and available state and local business retention and expansion activities

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<sup>1</sup> US Department of Labor Employment and Training Administration 2010 National Reemployment Summit “Road to Recovery: Strategies for Reemployment” slide show “Layoff Aversion: Preventing & Minimizing Unemployment,” slide 3. Available at <https://www.slideshare.net/ttheberge/layoff-aversion-under-the-workforce-investment-act>.

- Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure the impact of services delivered
- Conducting analyses of the supplies of an affected company to assess the company's risk and vulnerabilities from a potential closing or shift in production by a major customer
- Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses
- Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after a layoff to help facilitate rapid reemployment

The benefits of layoff aversion to workers may include:

- maintaining financial stability; and
- continuing to build experience with fewer gaps in employment.

The benefits of layoff aversion to employers may include:

- realizing cost savings by retaining reliable workers, rather than paying costs associated with severance, training, and orienting new employees;
- preventing increases to unemployment tax rates;
- mitigating intangible costs, such as avoiding a decline in post-layoff morale;
- retaining jobs in the economy;
- retaining critical industries in the region;
- promoting new industry-sector growth strategies; and
- providing improved coordination among state agencies, Boards, and public- and private-sector businesses.

## Rapid Response and Layoff Aversion Funding

Boards must be aware of the many funding streams available to help provide layoff aversion services and strategies as well as the associated eligibility requirements and programmatic guidance for each.

Boards must be aware that the following funding sources may be used to fund layoff aversion strategies:

- WIOA statewide activity funds
- Rapid Response funds
- Additional assistance funds (Boards may apply for additional assistance to help affected employees with direct services if local resources cannot meet the needs of the employees.)
- Skills Development Fund (SDF)

WIOA offers significant flexibility regarding the use of Rapid Response funds. In order to conduct layoff aversion activities or prepare for and respond to dislocation events, Boards may devise additional strategies or conduct activities to minimize the negative impacts of dislocation on workers, businesses, and communities as well as to ensure that workers impacted by layoffs are reemployed as quickly as possible.

Additionally, when circumstances allow, Boards may provide guidance and/or financial assistance to establish community transition teams to help the impacted community organize support for dislocated workers and meet the basic needs of their families. Such assistance may include, but is not limited to, providing utilities, shelter, food, clothing, and other necessities and services beyond the resources that the American Job Center network provides.)

## Rapid Response Funding Restrictions for Layoff Aversion Activities

Boards must be aware that when funding layoff aversion strategies with Rapid Response funds, the funds must be used only to assist in the design and direction of the layoff aversion strategies. The only exception to this rule is the use of WIOA dislocated worker additional assistance funding.

Boards must be aware that incumbent training programs conducted with Rapid Response funding must be tied to a broader layoff aversion strategy or must be intended to help prevent workers from losing their jobs.

Boards must be aware that the application of Rapid Response resources to provide incumbent worker training as part of layoff aversion must be in addition to the normal training that businesses offer to their employees.

## Skills Development Fund

SDF grants may be used to support collaborative job training programs that partner local community colleges with private employers and that may qualify as layoff aversion activities. SDF funds provide grants to community and technical colleges, which in turn provide customized job training programs to businesses that want to train new workers or upgrade the skills of their existing workforce.

SDF grants partner a single business, a business consortium, or a trade union with a public community or technical college to identify and fill training needs. Businesses work with college partners to submit proposals, develop curricula, and conduct training.

Additionally, Skills for Small Business (SSB) grants may be used for the training needs of businesses with fewer than 100 employees. Employers apply directly to TWC to participate and must use existing training that is currently provided by a public community or technical college. SSB funds may be used to train newly hired and incumbent workers.

For more information, contact TWC's Workforce Business Services Outreach & Customer Support Team at Skills@twc.texas.gov or (877) 463-1777.

## Use of Rapid Response Funds for Other Activities

Added flexibility under WIOA allows Boards to use Rapid Response funds for administrative and indirect service expenses, including:

- conducting ongoing evaluation studies of WIOA activities to determine the effectiveness of rapid response activities (WIOA §134(a)(2)(A));
- developing prospective strategies for addressing dislocation events and strategies that ensure rapid access to the broad range of allowable assistance;
- developing and maintaining mechanisms for the regular exchange of information relating to potential dislocations, available adjustment assistance, and the effectiveness of rapid response strategies;
- implementing innovative incumbent worker training programs;
- implementing employer loan programs to assist in skills upgrading;
- providing counseling services for groups, such as stress and change management, crisis counseling, and financial and debt management;
- procuring rooms to conduct counseling services, job fairs, and other rapid response activities; and
- establishing and supporting worker transition centers and committees (generally reserved for plant closures or layoffs affecting 200 or more employees), including:
  - providing training and technical assistance to members of the worker transition committee;
  - funding the operating costs of the committee to enable it to provide advice and assistance in carrying out Rapid Response activities and in the design and delivery of WIOA-authorized services to affected employees (typically, support will last no longer than six months); and
  - providing a list of potential candidates to serve as a neutral chairperson of the committee.

## Non-Duplication of Services

Boards must coordinate all WIOA services with any other resources being used to serve customers. Boards must ascertain what services are being provided by other entities and adjust rapid response and layoff aversion plans to ensure that funding is maximized and that services are not duplicated.

## Forms and Data Entry

The required forms may be found on the TWIST Forms page at [https://intra.twc.texas.gov/intranet/gl/html/twist\\_forms.html](https://intra.twc.texas.gov/intranet/gl/html/twist_forms.html).

The purpose of WIT data entry is to enter services provided in WIT.

Employer services that are provided include:

- WIT technical assistance;
- recruitment assistance;
- information on employment-related issues;
- employer training services;
- Rapid Response to layoffs and business closures;
- agricultural clearance; and
- WOTC.

Note: Employer accounts must be updated to reflect contact and services that are provided.

### Creating a Rapid Response Event

A roster must be created in WIT. TWC Rapid Response staff:

- enters WARN or layoff notification form information in WIT;
- generates a Rapid Response number, a Federal Report number, and an Event ID; and
- sends the information above to the local Rapid Response Board contact.

Items to note include the following:

- TWC Rapid Response staff searches WIT for the employer before adding the employer to the system.
- Rapid Response staff adds the Rapid Response number, Federal Report number, and Event ID to the employer account if an employer account exists; if an employer account does not exist, a new employer account is created.
- Rapid Response staff creates a date range, from the date that the notice is received to the end of the program year (for example, August 26, 2019–June 30, 2020).
- Local staff uses this information to create an event in WIT.
- Local staff verifies that the employer information in WIT matches the layoff information submitted.

### How to Create a New Rapid Response Event

1. Visit: **Schedules > Events Calendar**; the Filter Criteria page will display as shown below.

2. Click on the **Add Event** button to add an Event.
3. Scroll to the bottom of page.
4. Click the **Add Event** button to add an Event.
5. **Event Category** and **Event Title** should be completed as shown below.
6. Select **RR Search** and search for the employer.
7. Enter an **Event Title** using the title, date, and time scheduled. This will help in identifying the Event.
8. Enter Class Size.
9. Select Allow staff registration over the class size and answer Yes or No.
10. Click the **Next** button.
11. The Event Information (continued):| Schedule | Calendar page opens.
12. For **Associated Office(s)**, the **Event Region** displays the default office assigned; choose the appropriate locally assigned office from the **Event Office** drop-down menu.
13. Click the **Next** button.
14. Event Location (continued): In **Copy address information from:** Select **Office** from the drop-down menu. This will populate the address information for that office.
15. For Location Type, select On-Site Event
16. For **Organization | Directions** (if applicable), if the Event occurs at an alternate location, select **Off-Site Event**, leave **Copy address information from** blank, and manually enter the off-site address information.
17. Click the **Next** button.
18. In Attendance Tracking, for Customer Group, select None.
19. Click the **Next** button.
20. For **Registration Method**, set to **No registration required**. Instructions may be entered if Workforce Solutions Office staff chooses to enter instructions.
21. Click the **Next** button.
22. The information on the **Moderator** screen is pre-populated but may be edited to include the actual staff member's or facilitator's name.
23. Click **Finish**. This will be the final page to schedule a Rapid Response Event.

Best practices for data entry in are to:

- request a Rapid Response number before the event; and
- add a summary to the employer case note for the event, identifying it as the actual on-site orientation event.

## List of Revisions

Note: The guide contains minor, non-substantive editorial changes that are not included on the List of Revisions.

| SECTION | REVISIONS |
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