


TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 01-10, Change 1
Date:	July 2, 2018
Keyword:	Dislocated Worker; Rapid Response; TWIST; UI
Effective:	Immediately

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

From:  Courtney Arbour, Director, Workforce Development Division

Subject: **Rapid Response Early Intervention—*Update***

PURPOSE:

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

- notification of layoff, including a 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).

RESCISSIONS:

WD Letter 01-10

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, in addition to 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:

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.”

NLF: Boards must ensure that rapid response services:

- flow seamlessly from initiation of services to the transition to reemployment or other workforce services, as applicable;
- provide an integrated array of services; and
- benefit eligible affected workers by meeting their individual needs.

Notification of Layoff

NLF: Boards must establish contact, by phone or in person, with employers and representatives of affected workers—within two business days 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.

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

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

Rapid Response Services to Employers

NLF: Boards must provide rapid response services to employers that include:

- 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.

LF: As part of a coordinated response, Boards may develop an application for a National Dislocated Worker Grant (DWG) under 20 CFR Part 687 (Workforce Innovation and Opportunity Act (WIOA) §101(38) and §134(a)(1)(A)). State office staff is available to assist Boards with DWG applications.

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

management committee or the workforce transition committee:

- 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 WIOA 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

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

- 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

LF: 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:

- the number of affected workers;
- the types of occupations or industries in which affected workers were employed;
- the duration of the dislocation event (for example, 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

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

- an orientation on available workforce program services;
- information on and assistance with filing for unemployment insurance (UI) benefits;
- information on Trade services available through Workforce Solutions Offices; and
- other services, such as workshops and seminars on tools that will assist with a rapid transition to new employment.

NLF: 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 are permitted to provide the following assistance:

- 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

LF: 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 public.

LF: 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>.

TWIST Service Tracking

NLF: 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.)

NLF: At a minimum, Boards must collect and enter the required data into the TWIST Rapid Response Registration form, available on the Intranet at http://intra.twc.state.tx.us/intranet/gl/html/forms_index.html, to register affected workers.

NLF: Boards must maintain the TWIST forms in accordance with local record retention policies and WD Letter 13-08, issued April 1, 2008, and entitled “Security of Personal Identity Data,” and WD Letter 17-07, Change 1, issued January 26, 2018, and entitled “Storage and Use of Disability-Related and Medical Information—*Update*.”

ATTACHMENTS:

Attachment 1: Rapid Response Layoff Notification/Action Form and Instructions
Attachment 2: Revisions to WD Letter 01-10 Shown in Track Changes

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

REFERENCES:

Workforce Innovation and Opportunity Act Pub. L. (113-128), Title I
Worker Adjustment and Retraining Notification Act (Public Law 100-379)
20 CFR Part 687 [WIOA §101(38) and §134(a)(1)(A)]
WD Letter 13-08, issued April 1, 2008, and entitled “Security of Personal Identity Data”
WD Letter 17-07, Change 1, issued January 26, 2018, and entitled “Storage and Use of Disability-Related and Medical Information—*Update*”
TA Bulletin 209, issued August 14, 2009, and entitled “Rapid Response Service Tracking”