



# LOS ANGELES COUNTY

## WIA Adult and Dislocated Worker Programs

### DRAFT DIRECTIVE

**NUMBER:** LACOD-WIAD08-11      **SUBJECT:** Rapid Response Services

**DATE:** 01/16/08      **EFFECTIVE DATE:** 02/16/08

#### **OVERVIEW:**

As part of a comprehensive strategy to meet the workforce development needs of businesses and dislocated workers, the Los Angeles County Workforce Local Investment Area (LWIA) provides rapid response services to employers and workers who have been affected by permanent business closures, mass lay-offs, natural or other disasters, and other events of worker dislocation described within the Workforce Investment Act (WIA).

#### **Purpose:**

This directive provides information and guidance to County Workforce Investment Act (WIA) program contractors on the WIB's policies and procedures concerning WIA rapid response services and activities.

#### **Scope:**

This directive supplements federal and State guidance and applies to County-funded WIA service providers who are specifically contracted to provide rapid response services and activities.

#### **Effective Date:**

This directive is effective on the date of its issuance.

#### **Definitions:**

WIA provides the following definition of rapid response:

*The term "rapid response activity" means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including:*

- *The establishment of on-site contact with employers and employee representatives:*
  - *immediately after the State is notified of a current or projected permanent closure or mass layoff; or*
  - *in the case of a disaster, immediately after the State is made aware of mass job dislocation as the result of such disaster.*
- *The provision of information and access to available employment and training activities.*
- *Assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs.*
- *The provision of emergency assistance adapted to the particular closure, layoff, or disaster; and*
- *The provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.*

The WIA regulations provide significant additional information regarding the activities and services that comprise rapid response assistance under the Act. These include the regulation at 665.310, which lists the following required rapid response activities:

1. *Immediate and on-site contact with the employer, representatives of the affected workers, and the local community, which may include an assessment of the:*
  - *Layoff plans and schedule of the employer;*
  - *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 workers in the local community; and*
  - *Available resources to meet the short and long-term assistance needs of the affected workers.*
2. *The provision of information and access to unemployment compensation benefits, comprehensive One-Stop system services, and employment and training activities, including information on the Trade Adjustment Assistance (TAA) program and the NAFTA-TAA program (19 U.S.C. 2271 et seq.);*
3. *The provision of 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. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. The assistance to this committee may include:*

- *The provision of training and technical assistance to members of the committee;*
  - *Funding the operating costs of a committee to enable it to provide advice and assistance in carrying out rapid response activities and in the design and delivery of WIA-authorized services to affected workers. Typically, such support will last no longer than six months; and*
  - *Providing a list of potential candidates to serve as a neutral chairperson of the committee.*
4. *The provision of emergency assistance adapted to the particular closing, layoff or disaster.*
  5. *The provision of assistance to the local board and chief elected official(s) to develop a coordinated response to the dislocation event and, as needed, obtain access to State economic development assistance. Such coordinated response may include the development of an application for National Emergency Grant under 20 CFR part 671. (WIA secs. 101(38) and 134(a)(2)(A).*

In addition to the required activities listed above, the following activities (listed at 665.320) may also be provided as rapid response services:

1. *In conjunction, with other appropriate Federal, State and Local agencies and officials, employer associations, technical councils or other industry business councils, and labor organizations:*
  - *Develop prospective strategies for addressing dislocation events, that ensure rapid access to the broad range of allowable assistance;*
  - *Identify strategies for the aversion of layoffs; and*
  - *Develop and maintain mechanisms for the regular exchange of information relating to potential dislocations, available adjustment assistance, and the effectiveness of rapid response strategies.*
2. *In collaboration with the appropriate State agency(ies), collect and analyze information related to economic dislocations, including potential closings and layoffs, and all available resources in the State for dislocated workers in order to provide an adequate basis for effective program management, review and evaluation of rapid response and layoff aversion efforts in the State.*
3. *Participate in capacity building activities, including providing information about innovative and successful strategies for serving dislocated workers, with local areas serving smaller layoffs.*
4. *Assist in devising and overseeing strategies for:*
  - *Layoff aversion, such as prefeasibility studies of avoiding a plant closure through an option for a company or group, including the workers, to purchase the plant or company and continue it in operation;*
  - *Incumbent worker training, including employer loan programs for employee skill upgrading; and*
  - *Linkages with economic development activities at the Federal, State and local levels, including Federal Department of Commerce programs*

*and available State and local business retention and recruitment activities.*

### **References:**

- WIA Section 101(9) – *Definitions – Dislocated Worker*
- WIA Section 101(38) – *Definitions – Rapid Response Activity*
- WIA Section 133(a)(2) – *Within State Allocation – Statewide Rapid Response Activities*
- WIA Section 134(a)(2)(A) – *Statewide Rapid Response Activities*
- Title 20 CFR Part 665.300 - *What are rapid response activities and who is responsible for providing them?*
- Title 20 CFR Part 665.310 - *What rapid response activities are required?*
- Title 20 CFR Part 665.320 - *May other activities be undertaken as part of rapid response?*
- Title 20 CFR Part 665.330 - *Are the NAFTA-TAA program requirements for rapid response also required activities?*
- Title 20 CFR Part 665.340 - *What is meant by "provision of additional assistance" in WIA section 134(a)(2)(A)(ii)?*
- State EDD Workforce Investment Act Directive WIAD05-18 (June 14, 2006) – *Dislocated Worker 25 Percent Funding Policy*
- State EDD Workforce Investment Act Information Bulletin WIAB03-80 (April 20, 2004) – *Rapid Response Policy – Input Requested*
- State EDD Workforce Investment Act Information Bulletin WIAB03-85 (May 14, 2004) – *Proposed Dislocated Worker 25 Percent Funding Policy*

### **BACKGROUND:**

Within California, LWIAs, such as the County of Los Angeles, work closely with the State to deliver rapid response services to companies that have provided notification to employees and government agencies regarding impending business closures or layoffs. As the administrator for the County's WIA program, Community and Senior Services (CSS) receives employer notices issued in compliance with the federal and State requirements under the Worker Adjustment and Retraining Notification (WARN) Act and coordinates WIA rapid response activities and contractors to address the dislocation events specified in these notices.

In addition, CSS is responsible for ensuring that the following rapid response objectives established by the State are implemented in the County:

- Assisting workers to quickly return to productive positions in the labor force;
- Assisting employers to explore alternatives to layoffs through human resource solutions;
- Reducing the economic and social burdens that unemployment adds to employers, workers, and the community; and

- Providing local communities, workforce investment partners, employers, and workers with timely and pertinent information to anticipate and profit from economic development opportunities.

## **POLICIES/PROCEDURES:**

To ensure that the full range of WIA rapid response services needed by businesses and workers are in place to respond to significant events of worker dislocation that may occur within the County, the following policy and procedures have been established.

### **Policies:**

The Los Angeles County Workforce Investment Area has adopted the following policies concerning the implementation and delivery of rapid response services.

#### 1. General Requirements

Contractors will implement the following rapid response processes:

- A. Respond to need for rapid response services within 24 hours of being notified by the County.
- B. Rapid response services begin with a planning meeting among CSS, rapid response contractors, employers or management representatives, and union representatives (if applicable). Contractors should identify and provide employer representatives appropriate referrals and assistance (i.e., layoff aversion, EDD, Trade Adjustment Assistance and referrals to other workforce partners and community and/or government services, such as Small Business Development Centers and the Los Angeles Economic Development Corporation).
- C. Provide businesses and affected employees with appropriate and relevant informational materials regarding rapid response activities and services.
- D. Describe WorkSource Center services, which include:
  - Placement Assistance for Job Seekers and Businesses - Employment listings, job banks, pre-screened qualified candidates
  - Workshops on resume writing, job search strategies, interviewing techniques and similar topics
  - Core Services/Universal Access - Full-service resource centers equipped with computers, Internet access, fax, copier, telephone, and print materials

- Intensive Services - Personalized career counseling, individual service planning, and other one-on-one services
  - Training - Work-based and classroom training for new or incumbent employees
- E. Distribute the County rapid response survey to participants, assist participants in selecting an appropriate WorkSource or One-Stop Center and return completed surveys to CSS.
  - F. Distribute evaluation forms to rapid response participants after conducting an orientation and return the completed evaluations to CSS. Provide copies of dated sign-in sheets with employee signatures, indicating the business served on each sign-in sheet.
  - G. Following completion of each rapid response project, submit to CSS a brief summary report of activities, including a list of services rendered and information on referrals made and the contact persons of the business and WorkSource Center. If an intervention strategy or lay-off aversion plan was undertaken, provide a description.

## 2. Service Priorities

Contractors are required to serve all companies officially filing WARN notices. Activities must take into account:

- A. 100% of WARN rapid response participants must be served.
- B. WARN dislocation events take priority over non-WARN layoffs.
- C. Contractors are free to coordinate with each other. However, the contractor that CSS designates to serve the company will be identified as the primary service provider for purposes of reporting activities to the State.
- D. Contractors must deploy staff within a 24 hours to respond to the notice of a company requiring services.
- E. Failure to serve a WARN employer will result in a warning. A second failure will result in suspension and a recommendation to the Board of Supervisors to reallocate funding.
- F. Small business assistance (layoff aversion) may be provided, when appropriate.

## 3. Invoicing

It is important that expenditures be tracked carefully and that supporting documentation accompany each invoice to avoid disallowed costs. The following documents are required with each invoice:

- Timesheets for staff performing rapid response services
- List of activities performed
- Employer profiles (one for each employer)
- Contractor 121 forms (one for each planning meeting, orientation or workshop)
- Orientation sign-in sheets (employee signatures)
- Rapid response surveys (referral of employees to the WIA One-Stop system)
- Rapid response evaluation (customer satisfaction forms to be completed at the end of the orientation by the impacted worker or by the company after the provision of business services)
- Intervention Strategy Plan (when applicable)
- E-mails, correspondence, phone logs, etc (why?????)

### **Procedures:**

The County has established the following procedures to implement the above-described policies. While contractors will need to develop internal procedures to ensure that all features and purposes of the County's WIA Rapid Response policies are fulfilled, the following general procedures will apply to and should be implemented by all County service providers contracted to deliver rapid response services.

#### 1. Implement Key Rapid Response Services

Contractors will implement all of the following activities and processes as part of their overall strategy to deliver rapid response services to businesses and workers.

##### A. Business and Employer Needs Assessment

Conduct on-site visits/planning meetings with the employer. Representatives of the affected workers and the local community may be present. The assessment may include: employer's layoff plans and scheduled layoff dates; an analysis of the potential of averting the layoff; development of reemployment prospects for workers in the local community; and, linking of affected workers with all available resources to meet their short and long-term assistance needs.

##### B. Establishment of Labor Management Committees

The committee is voluntarily agreed to by the management and labor sectors. It serves to devise a plan and an implementation strategy that addresses the reemployment needs of the affected workers. The contractor will provide guidance and/or financial assistance as necessary to the committee and to employer/employees throughout the dislocation process. Facilitating the establishment of the committee does not imply performing the work involved, such as negotiation between the parties.

C. Providing Information about County WorkSource Center Services

Coordinate with the WorkSource/One-Stop system to disseminate information to impacted workers on services available to assist them with developing a successful resume, enhancing interviewing techniques and job searches skills, accessing the hidden job market, gaining access to job clubs, accessing available resources, and maintaining a positive attitude. Disseminating information as a rapid response function does not imply the provision of services as a WorkSource or One-Stop Center.

D. Providing Orientation on Training Opportunities

Provide orientations (on-site, group activities) to impacted workers to assess transferable skills. Coordinate access to various training opportunities and training programs that will help successfully transition the impacted worker to demand jobs and growth industries. Explore customized training opportunities through the WorkSource Center workforce development system and other available resources available through the State and/or other funding organizations that can be leveraged to benefit the impacted organization.

E. Coordinate with Key Partners and Programs

Rapid response orientations involve coordinating with EDD and Department of Labor (DOL) to inform impacted workers of unemployment insurance benefits, job services, Trade Adjustment Act (TAA), and COBRA, as well as sharing information about resources and services available through the WorkSource/One-Stop system to meet employee needs. Such needs include providing alternative job opportunities, providing skills enhancement training or assessments to identify transferable skills, and financial counseling/planning.

F. Lay-Off Aversion Strategies

In cases where lay off aversions strategies are needed and there is sufficient time to implement them, a planning meeting with the business and relevant agencies will be coordinated to create an intervention strategy to avoid business closure/layoffs. This plan will include (at minimum) the intervention efforts to be used, timelines and responsible parties. Examples of relevant agencies include economic development corporations, Small Business Development Centers and other civic, auxiliary and financial planning entities. Follow-up with the business

G. Reporting

To ensure that the plan is being implemented. The contractor is required to report results in a summary report to CSS for reporting to the state.

2. Response to WARN Notices

To promote effective and efficient response to WARN notices, the contractor shall observe and/or comply with the following procedures.

*CSS Roles and Responsibilities*

- A. CSS receives a WARN (or a non-WARN) notice from the affected business, the Board of Supervisors, the State, a contractor, or a another source.
- B. CSS will determine to the company lies within the contractor's designated area of service.
- C. CSS will contact the appropriate contractor via email once the company has been notified and a planning meeting has been set.
- D. CSS will contact EDD, and, if necessary, DOL, to attend the planning meeting.
- E. In coordination with the contractor, CSS will arrange orientation dates and times with the employer. Although consideration will be given to work around the schedules of all parties, the Company's needs will prevail at time of conflicts.
- F. CSS will complete the "Employer Profile" and make it available to the contractor prior to the planning meeting.
- G. Based on the information obtained during the initial contact with the company, CSS will complete applicable portions of the 121 form,

assign a WARN number identifying the company through the period that they receive services, and forward the partially completed 121 form to the contactor for finalization.

- H. If the company lies outside of RWG service area, CSS will contact:
- The first contractor on an alphabetical list; or
  - The appropriate WIB, if the company lies outside the County LWIA's borders.
- I. When the next company outside of the contractor service area is received, the next contractor on the alphabetical list will be contacted.
- J. CSS will alert the State that the WARN notice has been forwarded to the appropriate contractor or WIB and send the 121 form to the State.

#### *Contractor Roles and Responsibilities*

- K. Contractors must respond when alerted about a company requiring rapid response services.
- L. Contractors will accompany CSS to all planning meetings.
- M. If a contractor becomes aware of a non-WARN layoff requiring rapid response services, the contractor shall immediately advise CSS.
- N. The contractor will e-mail the completed 121 form to CSS upon completion of the orientation.
- O. Through the on-site orientation, the contractor describes and/or makes available access to unemployment compensation benefits, information on the Trade Adjustment Assistance program and comprehensive WorkSource/One-Stop system services.

#### **ACTION:**

Los Angeles County WIA Rapid Response Contractors should ensure that the policies and procedures described herein are communicated throughout the operations. management and governance structure of the contractor organization and that this Directive is appropriately maintained until further notice.

**INQUIRIES:**

Inquiries regarding this directive and the policies and procedures described herein should be directed to Robert Brieff at (213) 351-8924 or RBRIEFF@CSS.LACOUNTY.GOV.

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