



## Area 11: Local Policy

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### Rapid Response

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#### **Purpose:**

To establish guideline for rapid response activities for employers and affected employees.

#### **Background:**

The Worker Adjustment and Retraining Notification (WARN) Act requires employers who are planning a plant closure or a mass layoff to give affected employees at least 60 days' notice of such employment action. (1)

Sec. 134(a)(2)(A)(2) of the Workforce Innovation and Opportunity ACT (WIOA) requires that the State in conjunction with the local workforce board provide rapid response activities 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.

#### **Policy:**

The local rapid response team shall coordinate Rapid Response activities for permanent layoffs or closures for all WARN impacted employers and employees as well as for any employer who requests such services through the Ohio Means Jobs Columbus – Franklin County Job Center.

The following activities shall be provided for each Rapid Response by the Area 11 Rapid Response Team (WDBCO Business Solutions, ODJFS Rapid Response Coordinator, and American Job Center partner) including but not limited to:

- Contact with the affected employer within 24 hours of announcement from initial notification.
- Collection of appropriate labor market information and identification of potential hiring partners.
- Rapid Response orientation scheduled and conducted as requested by affected employer.

Rapid Response orientation shall be provided by the ODJFS Rapid Response Coordinator and the American Job Center partner staff. At a minimum, the following elements shall be included:

- Information on programs, including but not limited to:
  - Unemployment Insurance (UI)
  - Trade Adjustment Act (TAA) for those companies who are Trade Certified
  - Workforce Innovation and Opportunity Act (WIOA)
- American Job Center locations and service information
- American Job Center calendar of events and workshops
- Career and community resources
- Information on career exploration and planning workshops
- American Job Center partners presenting, as appropriate

## Definitions:

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American Job Center partner staff: Anyone who works within the Ohio Means Jobs Columbus-Franklin County system through a contract or MOU.

Disaster mass job dislocation: Any reduction in force, due to a disaster as defined by state or local emergency management policy, that does not result in a total plant/branch/office closing, but still results in the filing of a Worker Adjustment and Retraining Notification Act notice, regardless of the number of workers affected by the layoff announced; or, if no WARN correspondence is issued, employment loss at a single site of employment for:

1. At least 25 percent of employees; or
2. At least 50 employees.

Employer: An individual, business, company, firm, agency, organization, etc. that employs one or more people.

Employer closure: The permanent shutdown of an Ohio business, facility or agency.

Event: Any situation in which workers are at risk of layoff from a downsizing or closure of an employer's Ohio business, facility, or agency.

Layoff: A separation due to the lack of work or other factor(s) not related to the behavior or performance of the employee.

Local rapid response coordinator (LC): An individual representing the local WDB, local area, and the OhioMeansJobs centers on the RR team.

Local plan: A comprehensive 4-year plan developed by the local WDB, in partnership with the chief elected official, and submitted to the State which provides descriptions of the strategic planning elements and services provided in the local area. Requirements for local plans are outlined in Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 16-03, Regional and Local Planning.

Mass layoff: Any reduction in force that does not result in a total plant/branch/office closing, but still results in the filing of a WARN Act notice, regardless of the number of workers affected by the layoff announced; or, if no WARN correspondence is issued, employment loss at a single site of employment for:

1. At least 25 percent of employee; or
2. At least 50 employees.

Notification: The process by which an individual on the RR team is made aware of a possible layoff or employer closing. A notification can come from a variety of sources, including, but not limited to: a WARN letter, word of mouth, the media, local Chamber of Commerce, ODJFS

Trade Unit, OhioMeansJobs Center, union officials, local government, affected workers, etc.

ODJFS regional rapid response coordinator (RC): An ODJFS workforce specialist assigned to a specific local workforce development area or planning region of Ohio to maintain contact with the employer and to ensure all the activities of the local RR team are completed.

OhioMeansJobs center operator: The entity or a consortium of entities designated or certified through a competitive process to operate a one-stop center under section 121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3151(d).

OhioMeansJobs.com: The statewide electronic system for labor exchange and job placement activity operated by the state.

Ohio Rapid Event Data (OhioRED): An information tracking system that records all employer event information and data on the delivery of RR services.

Ohio Rapid Response Workforce Survey (RRWS): The standardized survey ([JFS 08124](#)) used in Ohio to identify demographics of the affected workforce and serve as a preliminary needs assessment.

Ohio Workforce Case Management System (OWCMS): A system used by workforce professionals to gather and report program data and information for the following programs: WIOA, Wagner-Peyser, Veteran, Apprenticeship, Migrant and Seasonal Farmworker, Foreign Labor Certification, and Trade.

Planning region: Two or more local workforce development areas assigned by the State to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.

Potentially affected workers (PAW): Employees at risk of becoming unemployed due to an event.

Rapid Response Emergency Assistance Funds (RREAF): State rapid response funding allocated to local areas for the provision of reemployment services outlined in the service plan to workers and employers who have been affected by a mass layoff, employer closure, disaster mass job dislocation, or TAA petition.

Rapid response (RR) event: When one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of workers affected;
2. Announcement or notification of a mass layoff;
3. A mass job dislocation resulting from a natural or other disaster; or
4. The filing of a TAA petition.

Rapid response team: Individuals from state and local workforce entities that respond collectively to mass layoffs, employer closures, disaster mass job dislocations, and TAA petition filing that occur within their local area or planning region and assist in providing RR services to employers and affected workers.

Rapid response worker reemployment session: The provision of reemployment information to the affected workers on the benefits, services, and resources available to rapidly transition them before layoff date or/and during their layoff to new employment.

Service plan: A plan which details all RR services that will be provided to an affected workforce and a timeline of when the services will be delivered.

Trade Adjustment Assistance (TAA): A program which provides assistance, including reemployment and training services, to workers whose jobs have been threatened or lost due to foreign imports, or shifts in production and/or services to a country outside the United States.

Worker Adjustment Retraining Notification Act (WARN): The Federal Act that protects workers, their families, and communities by requiring most employers with 100 or more employees to provide notification 60 calendar days in advance of plant closings and mass layoffs. General provisions of WARN covers employers with 100 or more employees, not counting those who have worked less than 6 months in the last 12 months and those who work an average of less than 20 hours a week. Additional material for compliance and assistance can be found at <http://www.doleta.gov/layoff/warn.cfm> .

Workforce development board (WDB) director: The individual hired or designated by the local WDB to assist in completion of duties for the local WDB, including oversight of workforce development employment and training programs and development of the budget for the local area.

### **Local Workforce Development Area Requirements:**

#### **A. Identification of the Rapid Response Team**

Each local area must identify members of its RR team. The RR team, in coordination with the RC, shall develop a protocol to ensure the team works together so services are provided to employers and affected workers in a timely, efficient and quality manner.

The local area's RR team is made up of the following partners fulfilling the following roles when responding to an RR event:

1. ODJFS Rapid Response Coordinator: The RC will:
  - a. Ensure that the initial contact is made with the business;
  - b. Disseminate information regarding the RR event to the RR team;
  - c. Conduct rapid response worker reemployment sessions or work with the LC to ensure such sessions are conducted;
  - d. Coordinate team members to effectively deliver RR program and other services to employers and affected workers;
  - e. Assist in coordination of resources within the defined region, which includes coordination with other workforce areas and/or planning region(s) as necessary to ensure timely, effective, and consistent delivery of RR services;
  - f. Collaborate with other RCs and other local RR teams for events and initiatives that are regional or statewide;
  - g. Collaborate with LC on the development of the reemployment strategy and service delivery plan, in conjunction with the RR team, that best fits the situation; and
  - h. Discuss with the team the best course of action when other employers are at risk of downsizing or closing due to an event.
  
2. Local Rapid Response Coordinator: The LC will:
  - a. Conduct and/or participate in the initial meeting, in conjunction with the RC, as appropriate;
  - b. Collaborate among partners;
  - c. Collaborate with the RC on the development of the reemployment strategy, in conjunction with the RR team, that best fits the situation;
  - d. Coordinate with LCs in other local areas when the event affects multiple local areas regarding reemployment strategy and RR service delivery plan;
  - e. Develop a customized RR service delivery plan for every employer

event;

- f. Determine the need for Rapid Response Emergency Assistance Funds (RREAF) and collaborate with RC in completing the application;
  - g. Collaborate with the local area's fiscal agent and local WDB to mutually agree on funding amounts to support the plan for services;
  - h. Guide the team through the funding application process, including applying for funds and submitting the form to the WDB director for signature and approval; and
  - i. Assist in the implementation of the RR service delivery plan.
3. WDB Director: The WDB Director reviews the RR team protocol and its effectiveness every four years as part of the development of the local area's plan, or after two years as part of the local area plan review and modification, or as needed. The WDB Director (or designee) also signs and submits the RREAF application.

In addition to the RR team members listed above, local RR teams should also include the following members so that the team has quality representation in the delivery of RR services:

1. OhioMeansJobs center operator;
2. Economic development agency, including the regional Jobs Ohio agency, as appropriate;
3. Representative of business services in the local area or the local area's business resource network, if applicable;
4. Representative of TAA;
5. Representative of WIOA Title I Programs;
6. Representative of WIOA Title III Wagner-Peyser Employment Services Program; and
7. Representative of Unemployment Insurance (UI).

B. Establish Rapid Response Team Protocol

Local areas shall utilize the RACI exercise to delineate functions for each RR process or activity and the responsibility and accountability for completion of

such functions to establish an RR team protocol. The protocol should be developed to ensure communication amongst the team members and to maintain the flexibility to customize for the needs of individual employers and employees impacted by an event.

The RR processes, which will be outlined using the RACI tool, include, but are not limited to, the following activities:

1. Notify team of new event;
2. Enter event information into OhioRED;
3. Conduct research;
4. Make initial contact with the employer to gather information using the [JFS 01810](#);
5. Develop a proposed reemployment strategy for the affected workforce, which is driven by talent needs of local workforce development area and regional employers, and presented at the initial employer meeting;
6. Conduct initial employer meeting to establish rapport, collect needed information, and develop a proposed plan of service. Representatives of the RR team attending this meeting, for most events, should be the RC, a local representative, and representative(s) of UI or TAA, as applicable. Other attendees may include State and/or local economic development agencies and other State agencies, as appropriate;
7. Issue the RRWS to provide local teams with demographics and characteristics of the workforce that will be potentially affected by layoff or closure, captures desired worker services, and will be used in the strategy for service delivery;
8. Develop a service plan;
9. Develop an RR budget, including potential application for RREAF. The RREAF application process is outlined in WIOAPL No. 17-05, Funding for Rapid Response– Employer Closure, Mass Layoff Disaster Mass Job Dislocation, and Trade Adjustment Assistance Events;
10. Conduct the rapid response worker reemployment session using the standard, core presentation developed by ODJFS;
11. Update OhioRED and OWCMS;

12. At least monthly, update RR team on activities and results;
13. Check the effectiveness of the service plan and modify as needed; and
14. Conduct post rapid response follow-up.

Collaboration and coordination by all RR team members is crucial to successful provision of RR services to employers and employees.

The local area must review team protocols to ensure their effectiveness, at a minimum, every two years as part of local area planning, development or modification. The local WDB Director will submit any revised RR team protocol for the local area to the OWD Rapid Response Unit at [RAPDRESP@jfs.ohio.gov](mailto:RAPDRESP@jfs.ohio.gov) with the subject line of Rapid Response Team Protocol.

C. Use of RRWS

Local RR teams must utilize RRWS to identify the demographics of an impacted workforce for a preliminary needs assessment that will be used by the RR team to develop a service delivery plan as described in Section VI. A. RRWS is completed on the [JFS 08124](#), Ohio Rapid Response Event Data.

All RR team members, service providers and contractors that receive or access personally identifiable information (PII) on impacted workers must safeguard the information from disclosure in accordance with federal and state confidentiality laws, rules, and policies. However, de-identified data can be disclosed in aggregate to provide insight on workforce trends and labor availability.

D. Transitioning from Rapid Response Services to the Local Area WIOA Adult and Dislocated Worker Programs

Local area procedures must be in place to identify the workers served under the RR program and RR services received. All RR services that individuals receive prior to determination of WIOA eligibility must be considered when developing service delivery strategies for workers who will be eligible to receive additional services under WIOA. Such consideration will help prevent duplication of services and ensure that workers can quickly access needed services.

E. Transitioning from Rapid Response Services to TAA Program

Local areas must have procedures in place to identify the workers served under the RR program and RR services received. If individuals who are potentially Trade eligible also received WIOA services prior to Trade certification, these services must also be identified. All RR and, possibly, WIOA services that



individuals received must be considered when developing service strategies for workers eligible to receive additional services under TAA. Such consideration will help prevent duplication of services, ease transition of services, and help ensure that workers can quickly access needed services. Individuals may be co-enrolled in both TAA and WIOA programs to receive ongoing reemployment services.

## **VII. Reporting Requirements**

Accurate and up-to-date information on closure and layoff events is critical to stakeholders within the workforce development system. This data is also a key factor in assessing the need for financial assistance at the state and federal levels.

There are two levels of reporting for employer closure and mass layoff events:

1. Employer/event data tracking in OhioRED; and
2. Worker data in OWCMS.

## **VIII. Monitoring**

The local WDB's oversight and monitoring must include a review of the effectiveness of the area's rapid response program. This may include:

1. An assessment of collaboration among RR teams and members;
2. The efficiency of service delivery to employers and PAWs; and
3. Timeliness and completeness of data entry into OhioRED and/or OWCMS.

## **References:**

Workforce Innovation and Opportunity Act § 134, Pub. L. 113-128.

Worker Adjustment and Retraining Notification Act (WARN), Pub. L. 100-379, 29 U.S.C. 2101 et seq., 20 C.F.R. Part 639.

20 C.F.R. §§ 682.300 - 682.370.

USDOL, Training and Employment Guidance Letter WIOA N0. 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

O.R.C. §§ 4141.29(A)(4), 4141.29(A)(7), as amended by H.B. 2 (130th General Assembly).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 16-03, Regional and Local Planning, (October 21, 2016).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 17-05, Funding for Rapid Response– Employer Closure, Mass Layoff, Disaster Mass Job Dislocation, and Trade Adjustment Assistance Events, (May 25, 2018).

ODJFS, Worker's Guide to Unemployment Compensation, (Last revised January 2018).

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