

Subject: Roles Responsibilities, and System for Delivery of Rapid Response Services

Effective: January 1, 2003

Purpose: To set forth policy regarding the delivery of rapid response services under the Workforce Investment Act of 1998 (WIA)(the Act) and its accompanying regulations.

Reference: WIA §132(a)(2)(A); 20 CFR §665.300 – 665.340; Flowchart (attached)

Background: The WIA mandates certain rapid response activities be made available statewide. The State is responsible for providing rapid response activities in local areas, in conjunction with the appropriate Local Workforce Investment Boards (LWIBs) and chief elected officials. The State must also create a mechanism to provide additional assistance to local areas experiencing disasters, mass layoffs, plant closings, or other dislocation events substantially increasing the number of unemployed individuals. In order to carry out its obligations related to statewide rapid response activities, the State must establish a rapid response dislocated worker unit.

The Governor's Workforce Investment Division (GWID) has been designated the lead state agency for WIA administration, and has established a rapid response dislocated worker unit within the WIA Programs Unit. Thus, the WIA Programs Unit, with its rapid response component, will ultimately coordinate and administer statewide rapid response activities as required under the Act. However, as a number of individuals and entities play a role in the efficient, effective delivery of rapid response services, this policy will set forth the roles and responsibilities of those involved, as well as formally setting forth a system for the delivery of such services.

While the State is responsible for the delivery of rapid response services statewide, the goal is to operate the program as a collaborative effort between the State and the respective LWIBs. West Virginia supports a team approach to the delivery of rapid response services. Thus, a Rapid Response Team including State and local representatives, as well as others who may be needed to provide specific technical assistance or expertise, will be utilized in all rapid response situations. However, based on the items set forth in this policy, those participating on the Rapid Response Team may vary depending on the situation to which the team is responding.

Policy: The delivery of rapid response services will be triggered by receipt of notification of an event necessitating rapid response activities (typically, notification of a pending layoff or plant closure). Notification will consist of receipt of a WARN notice where the issuance of such a notice is required by law. In all other instances, collectively referred to as "sub-WARN" situations, notification may consist of, but is not limited to, the following:

- Public Notice
- Newspaper or other media reports
- Notification by the company/plant to the GWID

- Notification by the company/plant to LWIB staff
- Information provided by Unemployment Insurance or other One-Stop partners
- Unofficial informal channels

Initial notification regarding a rapid response situation may occur at the local or State level. If initial notification occurs at the local level, the appropriate LWIB Rapid Response contact will contact the GWID Rapid Response Coordinator. Should initial notification occur at the State level, the process shall be reversed. In either event, the GWID Rapid Response Coordinator and LWIB representative will discuss the best approach to providing rapid response services in the present situation by addressing issues including (but not limited to): timing of the contact, timing of the layoff, the level of statewide activity, the number of individuals involved in the pending layoff, and the current capacity of necessary technical support agencies.

The initial discussion between the GWID Rapid Response Coordinator and the LWIB representative will result in a decision as to whether the pending rapid response effort will be coordinated by the GWID or the LWIB. Once such a determination is made, the entity charged with coordination of the effort will make contact with the company/plant and arrange for an on-site meeting with company/plant representatives (as well as union representatives where applicable) at the earliest possible date. This contact with the company/plant will occur within 48 hours of receipt of initial notification of an event necessitating rapid response services.

The entity charged with coordination of the rapid response effort will also be charged with contacting those providing representation to the Rapid Response Team. Such notification will also occur within 48 hours of initial notification of an event necessitating rapid response activities. The Rapid Response Team will include a representative from GWID, the appropriate LWIB(s), and each of the following:

- The appropriate local One-Stop manager(s)
- The appropriate local Unemployment Insurance representative(s)
- The appropriate Local Resource Center Peer Advocate(s)
- The appropriate Wagner-Peyser staff
- The appropriate WV Development Office Existing Industry Representative
- The State Trade Adjustment Assistance Act Unit

It should be noted that LWIBs electing to subcontract the handling of local rapid response activities will still be expected to provide LWIB staff to the Rapid Response Team as needed until after all initial meetings have been held with company/plant representatives and the affected workers as set forth below, at which time the LWIB may allow its designee/subcontractor to provide services for the LWIB.

Once all necessary contacts have been made and an initial on-site meeting with the appropriate company/plant and union representatives set, the Rapid Response Team will communicate to review the situation and prepare for this initial on-site meeting with the company/plant. The initial on-site meeting will focus on the following subjects:

- Customized services
- Information for the workers regarding Unemployment Insurance
- Labor market information
- Strategies for re-employment services

- Dislocated worker resource centers
- America's Job Bank
- Labor-management committees
- Strategies to provide services to workers prior to layoff
- Enlisting company/plant assistance in setting up meetings, workshops, etc. for workers
- Other available or potential services (Trade Adjustment Assistance, CHIP, One-Stop services, and available local services)
- The MACC system
- The employee survey process
- The potential for establishing an adjustment committee as described in the WIA and its accompanying regulations

Following the initial meeting with company/plant representatives, the lead entity of the rapid response effort will schedule an informational meeting (or several such meetings as may be necessary) for all affected workers. At or prior to this informational meeting, all affected workers will be given a survey to complete that gives a brief description of each worker's interests and profile. The Rapid Response Team and representatives from the employer, the union(s), and the employees will use the surveys to assist in the design and delivery of services. The GWID or LWIB will proceed with scheduling the above-referenced informational meeting with the affected employees even if the company/plant does not become a willing participant in the process of providing rapid response services.

Following the initial informational meeting(s) with employees, the GWID will, in instances where it has been charged with leading the rapid response effort, pass coordination of Rapid Response Team efforts to the LWIB or its representative/subcontractor. The GWID will continue to provide a representative to the Rapid Response Team and be available to provide technical assistance as needed. The Rapid Response Team will coordinate the workshops, and other services to be provided for the workers. The services will include, but are not limited to, the following topics:

- Surviving a layoff
- Financial counseling
- Impact on the family
- Job fairs
- Re-employment services (America's Job Bank, use of the MACC system, etc.)
- Assessment
- Other intensive services (Trade Adjustment Act services, CHIP, available local services, etc.)
- Training

Following the workshops or other services described above, the Peer Advocate(s) and One-Stop representative(s) will stay in contact with the workers, encourage the workers to use available services, and continue to provide information regarding re-employment services.

As previously stated, The GWID will continue to be responsible for the administration of statewide rapid response activities in accordance with the WIA. The GWID will work closely

with LWIBs to provide and coordinate such services on a statewide basis. Thus, LWIBs will continue to be a valuable partner in the delivery of rapid response services. In addition, the LWIBs will have the opportunity, where appropriate, to access additional funds set aside by the GWID to support efforts by the LWIBs in the event there are not sufficient local funds available to assist dislocated workers. The requirements and procedures for this funding will be addressed in a separate policy issuance by the GWID.

The GWID will continue to work to enhance the coordination of rapid response services with services provided by the West Virginia Development Office Business and Industrial Development Division's existing industry representatives. Efforts will focus on such issues as the sharing of information regarding business plans for downsizing, which could then be shared with LWIBs and One-Stop centers.

As part of the GWID's commitment to continuous improvement initiatives and improvement of service to the citizens of West Virginia, training is being developed that will lead to a certification process for those involved in rapid response services. Each Rapid Response Team partner will be required to send its representatives who serve on Rapid Response Teams to the certification training.

Action: LWIBs and all others affected by this policy (including the GWID) will take whatever steps are necessary to assure compliance with this policy and its contents. This policy should be placed in the binder or other filing mechanism used to maintain an updated collection of state policy issuances.

Questions: Contact the Governor's Workforce Investment Division, Building 6, Room B-617, 1900 Kanawha Blvd., East, Charleston, WV 25305. Toll free 1-877-967-5498.

Expiration Date: Effective until rescinded or modified by the West Virginia Workforce Investment Council.