



POLICY

SECTION: Career Services, Business Services and WIOA	POLICY# 021-C0116	PAGE: 1 of 11
TITLE: Rapid Response Program Services & Activities	EFFECTIVE DATE: 8/19/2021	
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PURPOSE: This policy provides guidance to the CareerSource Tampa Bay Region 15 staff, partners and contractors in providing Rapid Response activities and services to employers and workers who have been affected by lay-offs, plant closures, and down-sizing.

BACKGROUND: WIOA requires states to implement statewide Rapid Response activities to assist employers and impacted workers as quickly as possible following the announcement of a permanent closure, layoff, or natural or other disaster resulting in a mass job dislocation.

The purpose of Rapid Response is to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, or responding to layoffs and dislocations; in addition to preventing or minimizing their impacts on workers, businesses, and communities. Rapid reemployment is a central tenant of Rapid Response and is accomplished by helping affected workers quickly transition to reemployment, minimizing the duration of unemployment, or averting layoffs whenever possible.

CSTB's Rapid Response Policy meets all the requirements outlined in the CareerSource Florida Administrative Policy #114 Rapid Response Program Administration dated June 9, 2021.

POLICY:

Rapid Response provides customer-focused services to both dislocated workers and employers, ensuring immediate access to services for affected workers to expedite reentry into the workforce. WIOA legislation requires Rapid Response and early intervention assistance be provided to workers to avert or minimize the economic disruption of a mass job dislocation event.

CSTB works in partnership with DEO to provide quality Rapid Response activities. A successful Rapid Response system includes:

- Information and direct reemployment services for workers;
- Solutions to address the needs of businesses in transition, provided across the business lifecycle (expansion and contraction), including business engagement and layoff aversion strategies;

- Facilitating connections, networks and partners to provide assistance to dislocated workers and their families such as home heating assistance, legal aid, and financial advice; and
- Strategic planning, data gathering, and analysis designed to anticipate, prepare for, and manage economic change.

PROCEDURE:

Rapid Response Event Classifications

The classification of a Rapid Response event is without regard to industry, size of the employer, number of workers potentially affected or the time between notification and layoff date.

There are four types of Rapid Response events:

Event Type	Description
<u>Worker Adjustment and Retraining Notification (WARN)</u>	<p>Any employer that provides written notice of a mass layoff or closure with intent to meet the federal WARN requirements.</p> <ul style="list-style-type: none"> • Worker Adjustment and Retraining Notification (WARN) Act: A federal act that helps ensure advance notice in cases of qualified plant closings and mass layoffs per 20 CFR Part 639. • Mass Layoff: Layoffs affecting 50 or more workers or layoffs when a WARN notice has been filed, regardless of the number of workers affected by the layoff announced.
Non-WARN	Any employer experiencing a mass layoff or closure, even if it is not subject to the federal WARN requirements.
<u>Trade Adjustment Assistance (TAA)</u>	<p>Any employer for which a TAA petition has been filed with the U.S. Department of Labor (USDOL).</p> <ul style="list-style-type: none"> • Petition: A request submitted to USDOL to certify an employer as adversely impacted by global trade or competition • Trade-Affected Worker: An individual who has been totally or partially separated from employment in a firm or subdivision of a firm that has been certified under TAA. • Local TAA Coordinator: A merit-staff employee designated by the LWDB to determine TAA eligibility and to provide TAA case management and employment services with the goal of leading participants to suitable employment.
Natural Disasters	Any employer experiencing a mass layoff or closure due to natural or force majeure disasters.

Rapid Response activities assist areas that experience employer closures, mass layoffs, disaster mass job dislocations, or TAA petition filings that precipitate substantial increases in the number of unemployed individuals. Rapid Response services and activities shall be provided to all employers that experience a mass layoff or closure, regardless of how the LWDB was notified or became aware of the event.

DEO provides LWDBs notification of filed TAA petitions and WARN notices via e-mail to the LWDB's Rapid Response Coordinator and other designated recipients as assigned by the LWDB. LWDBs may add individuals to the Rapid Response event distribution list by submitting an e-mail with the requested recipient's name and e-mail to WARN@deo.myflorida.com.

Worker Adjustment and Retraining Notification Administration

The [WARN](#) Act of 1988 requires employers, in certain circumstances, to provide advance notification of layoffs and plant closings in order to provide workers with enough time to seek other employment or retraining opportunities. Employers covered under the WARN Act submit WARN notices to the State Rapid Response Coordinator sixty (60) days in advance of plant closings and/or mass layoffs.

LWDBs may assist employers that meet the criteria set forth in the WARN Act of 1988 and required in [20 CFR Part 639](#), with filing WARN notices by providing the procedures and instructions available in the [Employer's Guide to Advance Notice of Closings and Layoffs](#). WARN filing assistance must be documented in the employer's Employ Florida service plan with employer service code E47 WARN Notice Assistance.

Upon receipt of a WARN notice, DEO shall provide notification via e-mail to the LWDBs where the layoffs are to occur. DEO shall provide a copy of the WARN notice and any known separation details in a notification e-mail to the LWDB within two (2) business days of receipt. If a WARN notice is incomplete, DEO will provide the known details to the LWDBs in the form of an advanced, partial layoff notification.

A summary of all WARN information is available from the DEO public website at www.floridajobs.org. The State Rapid Response Program Office is responsible for updating the list and keeping it current within three (3) business days of receiving a WARN notice. The online WARN Summary Report includes:

- Company name and address;
- Total number of affected workers;
- The affected employer's industry;
- WARN notification date;
- Layoff dates; and
- A copy of the WARN notice.

DEO is responsible for inputting WARN information in the state's online labor exchange and case management system, Employ Florida, within two (2) business days of receipt.

Non-WARN Events

To serve businesses that are not covered by the WARN Act or a TAA petition, CSTB actively works with local business services teams to identify potential Rapid Response events in Hillsborough County. Local economic development resources, local Small Business Development Center (SBDC) network offices, and other resource may identify potential Rapid Response events in our region and directly connect with the CSTB business services team and CSTB Rapid Response Coordinators.

CSTB can also enter non-WARN Rapid Response events by following the instructions provided in the DEO EmployFlorida Administration User Guide.

Trade Adjustment Assistance Petition Filings

The Trade Act of 1974 established the [Trade Adjustment Assistance for Workers Program](#), referred to herein as the TAA Program, to assist workers who have been laid off or whose jobs have been threatened because of foreign trade or competition (trade-affected workers). To establish eligibility, a group of two workers (or their representative) must file a petition with USDOL. Upon receipt of the petition, USDOL investigates to verify the role of foreign trade or competition in the workers' job losses, reduction in hours or reduction in wages.

In accordance with WIOA, the filing of a TAA petition requires LWDBs to deliver rapid response services to the affected workers. All TAA Rapid Response are coordinated in our region through a team approach involving the business services team, CSTB Rapid Response Coordinator and TAA Coordinator.

TAA petitions filed with USDOL are provided to the State Rapid Response Coordinator by the [USDOL Office of Trade Adjustment Assistance](#) (OTAA). The State Rapid Response Program Office shall provide a copy of the TAA Petition and any known separation details in a notification e-mail to the LWDB responsible for the service area of the employer within two (2) business days of receipt.

Natural and Other Disasters

CSTB Rapid Response Coordinator is responsible for responding to natural disasters and this requires coordination with the DEO State Rapid Response Coordinator and other local government divisions and organizations to provide Rapid Response services to natural disaster-affected workers. Disasters include: flooding, hurricanes, freezes, wildfires, heat waves, drought, shelter-in-place orders, evacuations, and health crises. Exceptions to recognized disasters are sudden geological processes, tornadoes, hailstorms, and mass criminal or terrorist events.

Workers separated due to natural or force major disasters must be screened for the eligibility requirements included in the WIOA Dislocated Workers program, per [WIOA § 3 \(15\)\(C\)](#), "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters." Depending on the nature of disaster, USDOL may release National Dislocated Worker Grant funds. If National Dislocated Worker Grant funds are awarded in this region, CSTB would adhere to our National Dislocated Worker Grant Policy # 020-C0077.

Local Rapid Response Teams

CSTB is responsible for the day-to-day coordination of Rapid Response services to businesses and workers that are experiencing layoffs or closures in Hillsborough County. CSTB is required to designate a full-time Local Rapid Response Coordinator as the primary point of contact for Rapid Response services. The CSTB Rapid Response Coordinator is responsible for:

- a) Communicating with DEO and the State Rapid Response Coordinator;
- b) Serving as lead contact for affected employers and dislocated workers;
- c) Leading the CSTB Rapid Response team; and
- d) Coordinating any events that occur in our region; and
- e) Ensuring Rapid Response activities are documented in Employ Florida.

The Rapid Response Coordinator (RCC) is tasked with facilitating Rapid Response activities and ensuring that our approach is consistent and cohesive across the region. They will act as the primary point of contact for employers to ensure consistency, efficiency, and accountability and will

determine employer needs. RRC will be responsible for swiftly coordinating a response from start to finish by working with employers, CSTB Rapid Response team, and local community partners to ensure an effective, efficient and flexible response.

One of the key functions in delivering an effective Rapid Response strategy at the earliest stage in the process is to focus discussions on talent transfer. Effective strategies may include, but are not limited to, offering customized outplacement services, onsite workshops on CSTB Programs and Services, customized employability skills workshops onsite or virtually (Resume Writing, Interviewing, etc.), conducting specialized hiring events for the affected workers and earlier identification of grant funds and training opportunities through WIOA funds, special grant funds, etc..

The LWDB's Rapid Response team is comprised of individuals who provide information, resources and services to assist affected employers and workers. The team may include, but is not limited to:

- a) Local TAA Coordinators;
- b) Business Services Sector Strategist;
- c) WIOA Career Coaches;
- d) Supplemental Nutrition Assistance Program (SNAP) Career Coaches;
- e) Temporary Assistance for Needy Families (TANF) Career Coaches; and/or
- f) Local Veteran Employment Representatives (LVER) staff; and/or
- g) Other entities where appropriate: Department of Children and Families (DCF) case managers; and/or Division of Vocational Rehabilitation (DVR) Business Outreach Specialists.

Note: *Disabled Veteran Outreach Program (DVOP) specialists funded through the Jobs for Veterans State Grant may participate in Rapid Response events only when it has been predetermined that the dislocated workers include veterans who may be eligible for DVOP services as described in [Administrative Policy 102: Veterans Initial Intake Process at Career Centers](#).*

Rapid Response Services

As part of the LWDB's Rapid Response service delivery system and pursuant to [20 C.F.R. 682.330](#), the following services must be made available, as needed, to affected employers and workers:

- a) Immediate and on-site contact with the employer, representatives of the affected workers which includes an assessment of and a plan to address:
 - i. Layoff plans and schedules of the employer;
 - ii. Background and probable assistance required for the affected workers;
 - iii. Reemployment prospects for workers; and
 - iv. Available resources to meet the short- and long-term assistance needs of the affected workers.
 - v. Investigation of possible trade-impact.
- b) The provision of information about and access to [Reemployment Assistance](#) (RA) benefits and programs, such as Short-Time Compensation (STC), comprehensive career center services, and employment and training activities, including information on the TAA program, Pell Grants, the GI Bill, and other resources.
- c) The delivery of other available services and resources including workshops, classes and job fairs to support reemployment efforts of affected workers;
- d) The provision of emergency assistance adapted to the mass layoff;
- e) Delivery of services to worker groups for which a petition for TAA has been filed; and
- f) The provision of limited, additional assistance to local areas that experience Rapid Response

events when such events exceed the capacity of the local area to respond with existing resources.

The list above identifies the minimum services that must be provided under Rapid Response services. WIOA requires local areas to conduct layoff aversion activities. Discretion as to the specific and customized services offered per Rapid Response event is determined by the Rapid Response Coordinator, layoff aversion strategies and activities should be applicable to each layoff situation. Pursuant to [20 C.F.R.682.340](#), LWDBs may devise Rapid Response strategies or conduct activities that are intended to minimize the negative impacts of dislocation on workers, businesses and communities to ensure rapid reemployment for workers affected by Rapid Response events.

Dislocated Worker Program

The Rapid Response Program is a prelude to the WIOA Dislocated Worker Program. The WIOA Dislocated Worker Program provides transitional services designed to assist in the early stages of a layoff. These services are offered in recognition that Dislocated Workers have various levels of need. Some workers only require minimal assistance to successfully return to the workforce, while others may need more.

CSTB will promote WIOA Dislocated Worker program services during Rapid Response sessions. The Rapid Response Coordinator and team will ensure that impacted workers understand the full array of WIOA program services available to include: assessments, comprehensive career planning services, individualized career services, occupational skills and work-based learning training opportunities.

Initial Contact

Once the Rapid Response event has been identified, the CSTB Rapid Response Coordinator will establish contact with the employer and act as the single point of contact for arranging and scheduling all Rapid Response activities. Upon determination of a Rapid Response event, the CSTB Rapid Response Coordinator must contact the affected employer within two (2) business days to discuss the following:

- a) The employer's schedule for the layoff;
- b) The types of services the employer would be interested in hosting on-site or remotely;
- c) General information on the skills and abilities of the affected workers;
- d) The spaces where employee meetings or other services may take place, including virtual accommodations and other accommodations for individuals with disabilities;
- e) The spaces where employees may safely meet to receive services following a natural disaster; and,
- f) The duration of Rapid Response assistance to workers, and the ability for workers to receive services during regular work hours.

CSTB Rapid Response Coordinator will notify the CSTB Rapid Response team via email of the initial contact and plan of coordinated services.

In addition, the RRC, in collaboration with other relevant partners, will:

- Schedule and conduct orientation(s), as necessary and have attendees complete sign-in sheets;

- Provide and collect information on interest in re-employment services available through WIOA programs;
- Explain available services and programs to ensure the best available services are provided to the Dislocated Workers and promote services accessible through the America's Job Center of CareerSource Tampa Bay; and
- Collect all contact information and rosters for future use and scheduling of one-on-one or group Intake/Eligibility sessions for WIOA services.

Layoff Aversion

Layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. An effective layoff aversion system allows states and local areas to play an active role in shaping and maintaining a competitive, resilient regional workforce. WIOA requires states and local areas to include layoff aversion as an integral component of rapid response.

A sound layoff aversion infrastructure should include early warning systems, and can include close communication with employer representatives, industry groups, organized labor, and/or assessment of labor market trends and economic data to assess the health of businesses.

Locally driven layoff aversion strategies and activities are a required component of Rapid Response. Layoff aversion strategy helps employers retain a skilled workforce and/or provides workers rapid transition to new employment. Layoff aversion is a central component of a high-performing business engagement strategy, requiring a shared responsibility among numerous partners at the state, regional and local levels.

CSTB will determine which strategies and activities are applicable in each situation. CSTB Rapid Response Coordinator has the flexibility to ensure program design responds to our local workforce challenges and layoff aversion strategies are customized.

Layoff aversion strategies include, but are not limited to:

- a) Establishing 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 expansion activities;
- b) Ongoing engagement, partnership and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to affected workers in obtaining reemployment as soon as possible;
- c) Developing, funding and managing Incumbent Worker Training (IWT) programs or other worker upskilling approaches as part of a layoff aversion strategy or activity;
- d) Connecting businesses and workers to short-term, on-the-job, or customized training programs and apprenticeships before or after layoff to help facilitate rapid reemployment;
- e) Conducting analyses of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer;
- f) Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered;

- g) Assisting employers in managing reductions in force, which may include early identification of firms at risk of layoffs, assessment of the needs and options for at-risk firms, and the delivery of services to address these needs;
- h) Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs;
- i) Connecting companies to state Short-Time Compensation or other programs designed to prevent layoffs or to quickly reemploy dislocated workers, employer loan programs for employee skill upgrading; and other federal, state and local resources as necessary to address other business needs;
- j) Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses;
- k) Coordinate with local government divisions, organizations and local non-profit organizations, to plan for and respond to natural and other disasters; and

CSTB may devise other activities or strategies intended to minimize the negative impacts of dislocation on workers, businesses, and communities.

Incumbent Worker Training

The Incumbent Worker Training (IWT) program provides reimbursement grants to businesses that pay for preapproved, direct, training-related costs to upgrade the skills of their current employees. The IWT program is used to help avert potential layoffs of employees or to increase the skill levels of employees so they may be promoted within the company and create backfill opportunities for the employers.

When appropriate, Business Services staff will provide IWT program information and resources to employers during meetings, interviews and other engagements. CSTB administers the IWP Program in accordance with our established Incumbent Worker Training Policy # 018-C0015.

Short-Time Compensation Program

The provision of information and access to RA benefits and programs, such as [Short-Time Compensation](#) (STC) are required activities under Rapid Response. The STC Program is a voluntary employer program designed to help employers maintain their staff by reducing the weekly working hours during temporary slowdowns instead of temporarily laying off workers.

Employers that wish to participate in the STC Program must apply online to be a part of the program before being able to offer it to their workforce. To apply for the STC Program, employers must apply through the DEO [website](#). [Chapter 443, Section 1116](#) of the Florida Statutes outlines information on the STC Program, online application process, affected employees and required documentation.

Reporting Requirements

CSTB Rapid Response Coordinators are required to document their initial contact, visits and services in the EmployFlorida system. In the Employers service plan, CSTB staff will enter E42: Rapid Response/Dislocated Workers Assistance service code. If an Employer declines or refuses Rapid Response services, the CSTB staff will enter detailed case notes in the employer's record. Supporting evidence of the employer's refusal or declining of services must be retained for source documentation.

When feasible, affected employees should be registered in the EmployFlorida, state's online labor

exchange and case management system. Rapid response activities provided to affected employee's must be reported in the affected employee's Employ Florida, Wagner-Peyser, TAA or WIOA program application(s), as applicable dependent upon which application is active at the time of service delivery.

Monitoring

CSTB will conduct programmatic monitoring throughout the program year through our internal Program Monitor(s) under the direction of our Chief Policy & Performance Officer. This will include a formal review of Rapid Response services conducted in the region, Employer and EF service codes, case notes. Reviews will also include any impacted staff that opted to enroll Wagner-Peyser, TAA or WIOA program application(s), as applicable and would include all required data element reviews to ensure compliance with federal, state, and local policies and procedures.

References:

- [Public Law 113-128, Section 134\(c\)\(2\)](#)
- [20 Code of Federal Regulations \(CFR\), Part 639](#)
- [20 Code of Federal Regulations \(CFR\), Part 682](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)
- [Chapter 443, Section 1116](#)

INQUIRIES: Any questions about policy should be directed to the Chief of Policy & Performance, Director of Business Services and/or their designee.