

**Directive #: W2FOD-06**

**To: work2future Service Providers**

**From: San Jose Silicon Valley Workforce Development Board**

**Effective Date: July 1, 2015 Rev. 2018**

**Reference: Workforce Innovation Opportunity Act**

**SUBJECT: Rapid Response**



## **OPERATIONAL DIRECTIVE**

work2future Workforce Development Board  
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### **EXECUTIVE SUMMARY**

work2future will maintain a Rapid Response Unit in accordance with the California Rapid Response system. The provision of Rapid Response services is a requirement of States under the Workforce Innovation and Opportunity Act (WIOA), as described at 20 CFR 682 Subpart C of the WIOA Final Rule (covering 20 CFR 682.300 through 682.370). California primarily meets this obligation by funding rapid response services through the local Workforce Development Boards.

It is the policy of work2future to provide Rapid Response Services to all employers and impacted employees located within the work2future jurisdiction. Whenever possible, these services will be provided utilizing the full resources of work2future and the local community, including cooperative efforts with adjoining Workforce Development Boards.

### **REFERENCES**

20 CFR 682 Subpart C of the WIOA Final Rule (covering 20 CFR 682.300 through 682.370).

### **RAPID RESPONSE SERVICES**

Rapid Response Services are identified in two categories under the law, those that are mandated and those that are optional. In general, they encompass the activities necessary to plan and deliver services to enable dislocated workers to transition to new employment as quickly as possible (20 CFR 682.300). It is the intent of work2future to always meet the mandated services and provide the maximum amount of optional services as appropriate to the case, and in accordance with available work2future resources.

- a) Mandated rapid response services, in accordance with 20 CFR 682.330 include the following, and must also be made available to those eligible under TAA:
- b) Layoff aversion activities as described in § 682.320, as applicable;
- c) Immediate and on-site contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address 1) Layoff plans and schedule of the employer; 2) background and probable assistance needs of the affected workers; 3) reemployment prospects for workers; and 4) available resources to meet the short and long-term assistance needs of the affected workers;
- d) The provision of information and access to unemployment compensation benefits and programs, such as Short-Time Compensation, comprehensive one-stop delivery system services, and employment and training activities, including information on the TAA program, Pell Grants, the GI Bill, and other resources;

- e) The delivery of other necessary services and resources including workshops and classes, use of worker transition centers, and job fairs, to support reemployment efforts for affected workers.
- f) Partnership with the Local WDB(s) and chief elected official(s) to ensure a coordinated response to the dislocation event and, as needed, obtain access to State or local economic development assistance;
- g) The provision of emergency assistance adapted to the particular layoff or disaster;
- h) As appropriate, developing systems and processes for: 1) Identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion; 2) Analyzing, and acting upon, data and information on dislocations and other economic activity in the State, region, or local area; and 3) Tracking outcome and performance data and information related to the activities of the rapid response program.
- i) Developing and maintaining partnerships with other appropriate Federal, State and local agencies and officials, employer associations, technical councils, other industry business councils, labor organizations, and other public and private organizations, as applicable;
- j) Delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed;
- k) The provision of additional assistance to local areas that experience disasters, mass layoffs, or other dislocation events when such events exceed the capacity of the local area to respond with existing resources;
- l) Provision of guidance and financial assistance as appropriate, in establishing a labor-management committee if voluntarily agreed to by the employee's bargaining representative and management.

Optional rapid response services, in accordance with 20 CFR 665.340 include:

- a) Devising rapid response strategies or conduct activities that are intended to minimize the negative impacts of dislocation on workers, businesses, and communities and ensure rapid reemployment for workers affected by layoffs
- b) Providing guidance and/or financial assistance to establish community transition teams to assist the impacted community in organizing support for dislocated workers.

## **PROCEDURES**

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The work2future's Rapid Response Unit provides rapid response services in a flexible, coordinated response that utilizes other work2future work units and community partners. The guiding principles for work2future's Rapid Response Unit (RRU) include:

The timely response to notification of any potential or announced closure or lay-off of workers. For employer notifications under the WARN requirements, the initial response will be within one (1) business day. The response will be reflective of the actual conditions and needs of the employer and impacted employees. The response will utilize the most appropriate, effective, and available resources within the work2future.

### **Initial Response**

The RRU will initiate their response based upon any legitimate notification of potential, announced or actual closures or lay-offs. Legitimate notification includes the receipt of WARN notification, articles in the newspaper or other media outlets, direct calls or contacts with employer or employee representatives, notifications from labor organizations, notices from economic development agencies, professional associations and chambers, or statements from groups of former employees requesting services.

Initial responses may include a range of activities, including immediate phone contact, email or fax responses, on-site visits, coordinated team responses or third party (such as labor organizations) interventions.

All notifications and responses will be tracked via a log maintained by the RRU. This log will be typically summarized as an Excel spreadsheet. In addition, all notifications will be tracked and reported to the State of California on a monthly basis, using the current CA Forms 121 and 122. In addition to event information, the log will include the type of notification, the date of notification. The date of initial response and summary notes of type of strategic response.

The initial response will include an assessment by the RRU of the immediate, intermediate, and long-term needs of the employer and impacted workers. Based upon this assessment, the appropriate response strategies will be developed and implemented.

Whenever possible, and as appropriate based upon the immediate contact, any on-site contact will include appropriate additional work2future personnel and partners, especially Employment Development Department (EDD) staff for the provision of benefit information.

### **work2future Rapid Response Resources**

1. In developing the strategic response to the initial assessment of need, the RRU will consider the appropriateness and availability of all work2future resources.

Internal work2future resources that are considered include, but are not limited to:

- Business Services Unit
- One-Stop Center(s)
- Economic Development staff direct vendors and subagents.

External work2future resources that are considered include, but are not limited to:

- Employment Development Department (EDD)
- Department of Labor
- Other WIBs
- Department of Social Services
- Community based organizations
- Adult Education services
- Community College services
- Labor Organizations.

It is the responsibility of RRU staff to maintain an awareness of what specific services are currently available from each of the internal and external resources, and to maintain working relationships with key representatives of each work unit and/or organization.

### **Strategic Response Plans**

1. For each notification, the RRU will develop a strategic response. These plans may range from the informal visit to fully developed business plan.

More informal or simple responses will reflect notifications in which the closure or lay off has already occurred, or one in which the employer is not willing to cooperate or provide information or services to their employees. Typically, the response is the posting of information, and the encouragement for additional considerations in future events. Employees are typically not directly served through RRU contact, but will be served as they arrive at One-Stop or EDD service centers.

More intermediate strategic response plans may capture a range of on-site services and referrals. Dependent upon the accessibility to impacted employees and the participation of the employer, such plans may include:

- orientations as to services locally and regionally
- EDD unemployment benefits and services briefings
- general labor market information
- provision of limited job search skills workshops (by RRU, EDD or One-Stops)
- linkages with other local or regional hiring employers
- sign ups with local One-Stops.

More complex strategic response plans may include additional services beyond those noted under intermediate responses, including:

- lay off/aversion strategies
- employee retraining strategies and funding employer loan programs
- employer buy-out opportunities
- customized training, retraining and special grant opportunities
- regional efforts with multiple partners and funding sources.

The RRU will utilize the coordinated resources of work2future whenever possible for all strategic responses. However, if an identified resource is not available to respond in a timely manner to a specific event, the RRU will provide the services using whatever resources are available for that event.

### **Documentation**

1. It is the responsibility of the RRU to document all strategic response plans.

The informal plans may only be documented as notes within the summary log and files, as the response may be that limited.

Intermediate responses will have at a minimum, a summary of services that are to be provided and by whom, including the rationale for not using partner resources if that is the case.

The complex plans will include both a summary of services, and generally will require the development of specific grants, regional efforts plans and ongoing notes on the various partners and coordination meetings, both formal and informal.

All plans will be noted and referenced as appropriate, on the RRU log. As noted earlier, all notifications will be reported to the State, using CA Forms 121 and 122 on a monthly basis.

### **Rapid Response Development and Coordination**

The provision of rapid response services is under continual review and enhancement by the State and Federal agencies governing WIOA. The State ultimately owns the responsibility of rapid response services under the law. It is the responsibility of the RRU to participate in regional and State Rapid Response efforts to ensure that the work2future remains in compliance with the State's direction, and is providing "state-of-the-art" rapid response services.

Towards this end, the RRU will work with its internal and external resource partners to ensure that the work2future provides the most effective and efficient services to its employers and their impacted employees.

## **INQUIRIES**

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If you have any questions please contact work2future Workforce Development staff at: [sangeeta.durrall@sanjoseca.gov](mailto:sangeeta.durrall@sanjoseca.gov).

Cc: Monique Melchor, Executive Director  
work2future Workforce Development Board