



PROCEDURE

SECTION: Operations	PROCEDURE # OPS 20	PAGE 1 of 9
TITLE: Rapid Response and Layoff Aversion Procedure	EFFECTIVE DATE: 01/03/2025	
SUPERCEDES: OPS #15 Rapid Response Dated: 07/24/2023 And Layoff Aversion		

DISTRIBUTION: CareerSource North Central Florida (CSNCFL) Staff and Service Providers

PURPOSE:

To provide guidance on providing Rapid Response and Layoff Aversion services.

BACKGROUND:

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

Rapid Response promotes economic recovery and vitality by developing ongoing, comprehensive approaches to identifying, planning for, or responding to layoffs and preventing or minimizing the impacts of layoffs 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.

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.

A. State Rapid Response Program Office

Florida Commerce, State Rapid Response Program Office is responsible for conducting statewide Rapid Response activities and overseeing Rapid Response activities conducted locally by CSNCFL. State-level Rapid Response activities are managed by the State Rapid Response Coordinator.

- B. 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 (4) types of Rapid Response events:

1. **Worker Adjustment and Retraining Notification (WARN) Event** - Any employer that provides written notice of a mass layoff or closure with intent to meet the federal WARN requirements.

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.

CSNCFL may assist employers who 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 (EF) service plan with employer service code E-47 (WARN Notice Assistance).

Upon receipt of a WARN notice, Florida Commerce will provide notification via e-mail to the CSNCFL Rapid Response Coordinator. Florida Commerce will provide a copy of the WARN notice and any known separation details in a notification e-mail to CSNCFL within two (2) business days of receipt. If a WARN notice is incomplete, Florida Commerce will provide the known details in the form of an advanced, partial layoff notification.

A summary of all WARN information is available from the public website at www.floridajobs.org. The State Rapid Response Program Office is responsible for updating the list and keeping it current.

The online WARN Summary Report includes:

- a) Company name and address;
- b) Total number of affected workers;
- c) The affected employer's industry;
- d) WARN notification date;
- e) Layoff dates; and
- f) A copy of the WARN notice.

Florida Commerce is responsible for inputting WARN information in EF within two (2) business days of receipt. CSNCFL may enter non-WARN Rapid Response events by following the instructions provided in the *Virtual OneStop® VOS Sapphire Administration System User Guide*. The use of the WARN1234 numbering sequence for Rapid Response events is reserved for Florida Commerce use only.

2. **Non-WARN Event-** Any employer experiencing a mass layoff or closure, even if it is not subject to the federal WARN requirements.

To serve businesses that are not covered by the WARN Act or a TAA petition, CSNCFL's Rapid Response Coordinator and Business Services Team will utilize local economic development resources, local Small Business Development Center network offices, and other resources and technology to identify potential Rapid Response events.

3. **Trade Adjustment Assistance (TAA) Event** - Any employer for which a TAA petition has been filed with the U.S. Department of Labor (USDOL).

The Trade Act of 1974 established 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. 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.

4. **Natural and Other Disasters** - Any employer experiencing a mass layoff or closure due to natural or force majeure disasters.

The CSNCFL Rapid Response Coordinator will respond to natural disasters and coordinate with the State Rapid Response Coordinator and other local government divisions and organizations to provide Rapid Response services to natural disaster- affected workers. Workers separated due to natural or force majeure disasters must be screened for the eligibility requirements included in the WIOA Dislocated Workers program, per WIOA § 3 (15)(C) stating "unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters".

PROCEDURE:

A. Rapid Response Team

The CSNCFL Rapid Response Coordinator will serve as the point of contact for any information received from all sources regarding layoffs/plant closings. The Rapid Response Coordinator is responsible for:

- a) Communicating with Florida Commerce and the State Rapid Response Coordinator;
- b) Serving as lead contact for affected employers and dislocated workers;
- c) Leading CSNCFL's Rapid Response team; and
- d) Ensuring Rapid Response activities are reported accurately and timely in Employ Florida.

The Rapid Response Team consists of the following members: the Rapid Response Coordinator, the local TAA Coordinator (if different than the Rapid Response Coordinator), Wagner-Peyser Staff, WIOA staff and Business Services Representatives.

The need for Rapid Response services is identified by CareerSource staff through the following sources:

- a) State WARN Notice
- b) Employer call
- c) Newspaper or media announcement
- d) Word of mouth
- e) Employees coming in for services
- f) Economic Development Council
- g) Other partners

The Rapid Response notification will be forwarded to the Rapid Response Coordinator.

B. Rapid Response Services

The Rapid Response Coordinator (RR 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 Rapid Response Team 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 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.

The RR Coordinator will assess the needs and services to be provided to the business and employees involved.

The RR Coordinator will bring information to the Rapid Response Team for plan development based on the needs of the employer and employees.

- Identify services needed
- Identify person responsible for providing service
- Time frame for completion of services

An Individual Action Plan (IAP) will be developed specifically for the needs of the business/dislocated workers.

As part of the Rapid Response service delivery system, and pursuant to 20 CFR 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 and 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 above list represents the minimum services that must be readily available and should be offered with the end goal of rapid reemployment. WIOA requires states and local areas conduct layoff aversion activities. However, it is left to the discretion of the local Rapid Response programs to determine which layoff aversion strategies and activities are applicable in each potential layoff situation. Pursuant to 20 CFR 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.

The IAP will be implemented by the persons/partners identified in the plan as necessary to provide all services requested.

Completed IAPs will be kept on record by the Rapid Response Coordinator. A monthly Rapid Response Team report will be maintained by the Rapid Response Coordinator and sent to the following:

- CSNCFL Chief Executive Officer
- CSNCFL Chief Operations Officer
- State TAA Coordinator

Folders and/or materials will be maintained in readiness, by the Rapid Response Team, for distribution to dislocated workers at time and point of service delivery.

C. Layoff Aversion

Locally driven layoff aversion strategies and activities are a required component of Rapid Response. A layoff aversion strategy helps employers retain a skilled workforce and/or provides workers rapid transition to new employment. The implementation of local layoff aversion strategies removes or minimizes periods of unemployment for workers adversely affected by layoffs. 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.

The intent of layoff aversion is to provide business solutions to companies that want to save jobs. To save jobs, the rapid response team must be able to identify an at-risk company well in advance of layoffs, obtain executive level commitment to work

together, assess the needs of the company and deliver solutions to address risk factors. LWDBs must work with local community partners and businesses to implement a mechanism to determine at-risk employers.

The Rapid Response Team shall determine which strategies and activities are applicable in each situation. Local Rapid Response programs have the flexibility to institute agendas and programs that respond to their local workforce challenges. Layoff aversion strategies include, but are not limited to:

- a) 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;
- b) Assisting employers in managing reductions in force, which may include early identification of firms at risk of layoffs, assessment of the needs of and options for at-risk firms, and the delivery of services to address these needs;
- c) Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs;
- d) Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity;
- e) 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;

- f) 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;
- g) 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;
- h) 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;
- i) Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses; and
- j) Coordinate with local government divisions and organization, and local non-profit organizations, to plan for and respond to natural and other disasters; and
- k) 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.

D. Reporting

As the Rapid Response Team initiates contact with the employers that have experienced a Rapid Response event, they are required to document the visits and services provided by entering, at minimum, employer service code E42: Rapid Response/Dislocated Workers Assistance in the employer's Employ Florida service plan. Employers who decline or refuse Rapid Response services must be documented by a case note in the employer's case note tab. Supporting evidence of the employer's refusal or decline of services must be retained for source documentation. Instructions for CSNCFL staff regarding the reporting of Employ Florida employer service codes and case notes are available in the *Employ Florida Virtual OneStop® User Guide for Staff*, Section 16: Manage Employers.

When feasible, affected employees should be registered in Employ Florida. Rapid Response activities provided to affected employees 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, in accordance with the *Employ Florida Service Code Guide* and the *Employ Florida Virtual OneStop® User Guide for Staff*.

IMPLEMENTATION:

Program Supervisors will ensure implementation and execution of this procedure by their staff. Questions may be directed to the CEO at pmarty@careersourcencfl.com.

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

Florida Commerce Administrative Policy 114 Rapid Response Program Administration

OFFICIAL SIGNATURE

PHYLLIS MARTY

Chief Executive Officer