



POLICY
NUMBER 114

Administrative Policy

Title:	Rapid Response Program Administration
Program:	Workforce Innovation and Opportunity Act (WIOA)
Effective:	June 9, 2021

I. PURPOSE AND SCOPE

This policy notifies Local Workforce Development Boards (LWDBs) of the minimum Rapid Response requirements and activities mandated by the Workforce Innovation and Opportunity Act (WIOA). This policy provides a framework for LWDBs to design and implement a local business engagement strategy and articulates the role of layoff aversion within effective Rapid Response systems.

II. 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, or 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.

III. AUTHORITY

[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

IV. POLICIES AND PROCEDURES

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

The Department of Economic Opportunity (DEO) provides direction to the LWDBs to ensure consistency in the statewide operations and delivery of Rapid Response services. DEO's [State Rapid Response Program Office](#) is responsible for carrying out statewide Rapid Response activities and overseeing Rapid Response activities carried out by the LWDBs. State-level Rapid Response activities are managed by the State Rapid Response Coordinator.

B. Rapid Response Events

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:

- a) [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;
- b) Non-WARN event: Any employer experiencing a mass layoff or closure, even if it is not subject to the federal WARN requirements;
- c) [Trade Adjustment Assistance](#) (TAA) event: Any employer for which a TAA petition has been filed with the U.S. Department of Labor (USDOL); and
- d) Natural disasters: Any employer experiencing a mass layoff or closure due to natural or force majeure disasters.

Rapid Response activities assist communities that experience employer closures, mass layoffs, disaster-related 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 who 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.

1. 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.

LWDB 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 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:

- 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.

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. LWDBs 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 DEO use only.

2. Non-WARN Events

To serve businesses that are not covered by the WARN Act or a TAA petition, LWDBs must actively work with local business services teams to identify potential Rapid Response events in the local area. Local business services teams and Local Rapid Response Coordinators shall 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 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. 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

Local Rapid Response Coordinators shall 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”.

Local Rapid Response Coordinators have the flexibility to institute agendas and programs that respond to known, regional disasters such as 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.

C. Local Rapid Response Teams

LWDBs are responsible for the day-to-day coordination of Rapid Response services to businesses and workers that are experiencing layoffs or closures. LWDBs must designate a full-time Local Rapid Response Coordinator as the primary point of contact for Rapid Response. The Local 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 LWDB’s Rapid Response team; and
- d) Ensuring Rapid Response activities are reported accurately and timely in Employ Florida.

It is strongly recommended that LWDBs designate a Business Development Representative (BDR) as their Local Rapid Response Coordinator or at a minimum, develop a local integration strategy that includes BDRs as early as possible in the process. Including the BDR at the earliest stage in the process is an effective strategy to foster talent transfer. Effective strategies may include, but are not limited to, offering customized hiring events for the affected workers and earlier identification of grant funds and training opportunities.

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

- a) Business development representatives;
- b) Local TAA Coordinators;
- c) Department of Children and Families (DCF) case managers;
- d) Division of Vocational Rehabilitation (DVR) Business Outreach Specialists;
- e) WIOA case managers;
- f) Supplemental Nutrition Assistance Program (SNAP) staff;
- g) Temporary Assistance for Needy Families (TANF) staff; and/or
- h) Local Veteran Employment Representatives (LVER).

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: Veteran Initial Intake Process at Career Centers](#).

D. Initial Contact

Once the Rapid Response event has been identified, the Local 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 Local 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 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.

E. 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 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 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.

F. Workforce Innovation and Opportunity Act Dislocated Worker Program

The Rapid Response Program is a prelude to the [Workforce Innovation and Opportunity Act](#) (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.

G. 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 LWDB 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.

H. 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, Local Business Development Representatives shall provide IWT program information and resources to employers during meetings, interviews, and other engagements. For more information regarding IWT, please refer to the [CareerSource Florida Incumbent Worker Training Program Guidelines](#).

I. 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 who wish to participate in the Short-Time Compensation Program must apply to be a part of the program before being able to offer it to their workforce. To apply for the Short-Time Compensation Program, employers must apply through the DEO [website](#). Applying for STC for employees is exclusively online. The process to apply for the STC Program in Florida requires furnishing requested documents as well as information on the affected employees as outlined in [Chapter 443, Section 1116](#) of the Florida Statutes.

J. Reporting Requirements

As LWDBs initiate 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 declining of services must be retained for source documentation. Instructions for LWDB 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 the state's online labor exchange and case management system, 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](#).

K. Monitoring

Rapid Response services and activities must be monitored annually for compliance with requirements by USDOL and DEO. DEO monitors the requirements outlined in this policy and the LWDB's local operating procedures. LWDBs must establish local monitoring policies and procedures that include, at minimum:

- a) Roles and duties of the Local Rapid Response Coordinator;
- b) Roles and duties of all other LWDB supporting staff; and
- c) Local monitoring procedures for implementation of this policy.

V. DEFINITIONS

Incumbent Worker Training (IWT) program: This program, funded by the WIOA, was created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program provides reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

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.

Fringe Benefits: Fringe benefits include, but are not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., contributions under a defined contribution plan as defined in s. 414(i) of the Internal Revenue Code, paid vacation and holidays, and sick leave.

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.

Petition: A request submitted to USDOL to certify an employer as adversely affected 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.

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.

Workforce Innovation and Opportunity Act (WIOA): A federal act that provides direction and guidance for the workforce system in every state. The law prioritizes a market-driven approach to talent development that prepares people seeking employment for the jobs of today and of the future. WIOA is a transformative law designed to strengthen our nation's public workforce system, helping job seekers, particularly those with barriers to employment, access the education, training, and support services they need to obtain and advance in quality jobs and careers, and to help businesses hire and retain the skilled workers they need to succeed in a global economy.

VI. RESOURCES

[Rapid Response Services for Businesses Fact Sheet](#)

[Short-Time Compensation Fact Sheet](#)

[WorkforceGPS Business Engagement Collaborative Community](#)

[State Rapid Response Program](#)

[State Rapid Response Program Resources](#)

[State Worker Adjustment and Retraining Notification Database](#)

[U.S. Department of Labor Employment and Training Administration Rapid Response Services](#)

[WorkforceGPS Rapid Response Process Flow Chart](#)

VII. REVISION HISTORY

Date	Description
06/09/2021	Approved by CareerSource Florida Board of Directors.
06/10/2021	Issued by Florida Department of Economic Opportunity.