

**To:** Indiana's Workforce System

**From:** Indiana Department of Workforce Development (DWD)

**Date:** April 1, 2022

**Subject:** DWD Policy 2021-13  
Rapid Response

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## Purpose

The purpose of this policy is to provide guidelines for Rapid Response (RR) activities, establish RR standards for statewide activities, and to clarify roles and responsibilities of the Department of Workforce Development (DWD), the Local Workforce Development Boards (WDB) and Local Rapid Response Teams (LRRT) relative to the delivery of RR activities.

## Rescission

- DWD Policy 2014-06 *Rapid Response Activities*
- DWD Policy 2008-14 *Rapid Response Allocations and Service Delivery Guidelines*

## References

- Workforce Innovation and Opportunity Act (WIOA) Sec.3(51), 133, and 134
- 20 CFR 618.816
- 20 CFR 682.300-682.370
- Worker Adjustment and Retraining Notification (WARN) Act (29 U.S.C. 211 et seq.)

## Content

WIOA requires states to establish and maintain a RR system to carry out statewide RR activities. This policy details the strategies and activities required to plan for and quickly respond to an announcement or notification of a permanent closure or mass layoff, the filing of a WARN notice and/or the filing of a Trade Adjustment Assistance (TAA) petition.

Indiana's Rapid Response system includes, but is not limited to:

- The delivery of solutions to address business needs in transition;
- Informational and direct reemployment services for workers;
- Facilitating partnerships to ensure the ability to provide services to dislocated workers and their families; and
- Strategic planning, data gathering, and analysis designed to anticipate, prepare for, and manage economic change.

Rapid Response services will be delivered when one or more of the following circumstances occur:

1. Announcement or notification of a permanent closure, regardless of the number of impacted workers;
2. Announcement or notification of a mass layoff as defined in 20 CFR § 682.305;
3. A mass job dislocation resulting from a natural or other disaster; or
4. The filing of a TAA petition.

RR assistance and appropriate career services, as described in Section 134 of WIOA, must be made available to members of a group of workers for whom a TAA petition has been filed.<sup>1</sup> States must not withhold RR services while a TAA determination is pending. The filing of the TAA petition must trigger RR activities regardless of the size of layoff or potential layoff.

WIOA defines a Rapid Response Activity as an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible.<sup>2</sup> Activities include:

- a) Layoff aversion activities as described in 20 CFR § 682.320, as applicable.
- b) Immediate contact with the employer or representatives of the impacted workers.
- c) The provision of information and access to unemployment compensation benefits and programs.
- d) The delivery of other necessary services and resources to impacted workers.
- e) Partnership with the WDBs to ensure a coordinated response to the dislocation event.
- f) The provision of additional assistance to local areas that experience dislocation events when such events exceed the capacity of the local area to respond with existing resources as provided under WIOA sec. 134(a)(2)(A)(i)(II). Additional assistance requests are to be made via email: [DWDRapidResponse@dwd.IN.gov](mailto:DWDRapidResponse@dwd.IN.gov).
- g) All other services and activities, as applicable.<sup>3</sup>

All RR events and associated activities must be documented within the DWD's Customer Relationship Manager (CRM) and case management systems.

### ***DWD RR Responsibilities***

The DWD Rapid Response Program Director (PD) and the Business Services Regional Managers (BSRM) will maintain an effective statewide RR system to ensure the regular exchange of information related to WARN notices, TAA events, and other potential dislocations. The PD, BSRMs, and LRRTs will engage in ongoing information gathering and establish a shared contact list. The PD and BSRMs are responsible for the following RR activities:

- Provide guidance and assistance to LRRTs to ensure consistency in statewide operations and in the delivery of basic RR services.
- PD:

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<sup>1</sup> As required by 20 CFR § 618.816(b).

<sup>2</sup> WIOA sec. 3(51)

<sup>3</sup> 20 CFR § 682.330

- Ensure layoff/closure information is correct and up to date on the DWD website, maintain a current list of local RR contacts, assist with coordinating RR activities when appropriate and issue guidance on program updates.
- Manage Rapid Response Monthly Data Report, Monthly Narrative Report and WARN/Non-WARN spreadsheet.
- Facilitate statewide meetings with all LRRT leaders as needed, as part of on-going technical assistance. Provide individualized technical assistance per region, for reporting and grant submission.
- Maintain administrative procedures that support RR assistance. Follow up with the regions to ensure initial contact with the employer has been made within 48 hours of receipt of a WARN. If contact has not been made, DWD will contact the employer to provide a general overview of services.
- Provide regions with the monthly report for companies that have filed a WARN notice, completed with ICC information.
- Provide the regions with a summary of surveys collected during orientation.
- Collaborate on Rapid Response Funding Grant Requests to determine grant awards.<sup>4</sup>
- BSRMs:
  - Contact the LRRT to ensure an initial planning meeting is scheduled with the impacted employer.
  - Provide technical assistance as requested.
  - When appropriate, assist in planning and overseeing program strategies for layoff aversion.
  - Collaborate on Rapid Response Funding requests as needed.
  - Assist local areas with coordinating RR services with other available resources.

### ***WDB RR Responsibilities***

WDBs are responsible for coordinating RR activities at the local level to ensure effective delivery of services. Each WDB is responsible for the following:

- Establish and maintain a LRRT. Members may include the following:
  - The Business Services Representative (BSR), representatives from the WDB, WorkOne/American Job Center (AJC) staff, service providers, labor organizations, the State Labor Council (when the workforce is represented by a union), community/technical colleges, and other stakeholders/interested parties.
  - The LRRT will initiate first contact with the impacted employer for layoff notifications other than a formal WARN notice.
- Designate a Local Rapid Response Representative (LRRR). The representative may be a WDB administrative staff or a LRRT member.
  - The representative will coordinate activities with the BSRM and contact the business to introduce RR services.
- Arrange an initial on-site meeting with employers, employee representatives, and TAA Unit Program Director to assess layoff schedules, determine employer plans to assist the workers, and introduce appropriate onsite RR activities for the WARN and Trade Act.
  - TAA Unit Program Director must be informed of and included in all onsite meetings including orientations.

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<sup>4</sup> Rapid Response Grant information can be obtained by emailing [DWDRapidResponse@dwd.IN.gov](mailto:DWDRapidResponse@dwd.IN.gov).

- Determine prospects for layoff aversion by consulting with the BSRM, PD, state and local economic development organizations, and other entities.
  - Layoff aversion must be discussed with the employer to determine possible layoff aversion strategies.
    - If potential stratagems are identified, the Business Services Representative (BSR) must contact the BSRM for planning.
  - The BSR solicits information from the employer about supplier firms to accurately assess the likelihood of secondary and tertiary layoffs.
- Determine the need for and promote a voluntary labor management committee or workforce transition committee comprised of employer representatives, impacted workers, worker representatives, and/or other community entities as necessary to assist in planning and overseeing event-specific strategies that support the reemployment of impacted workers.
- Consult and coordinate with appropriate labor representatives when planning RR activities for impacted workers covered by a collective bargaining agreement.
- Determine proposed layoff schedule and the employer's plans to assist the dislocated workers, including the status of any collective bargaining negotiations affecting layoff benefits.
- Determine the need for peer-to-peer worker outreach to connect dislocated workers with services in conjunction with the labor management committee or its equivalent.
- Obtain layoff list of impacted workers and their contact information when applicable.
- Provide planning assistance for all dislocation events.
- Assess the needs of the impacted workers as quickly as possible using the Rapid Response Common Worker Survey (Survey).
- Ensure procedures are in place for the timely access and referral to WorkOne/AJC programs, services and information offered by the WIOA, UI program, TAA, Wagner-Peyser and other workforce development programs.
- Adhere to all applicable DWD policies and/or guidance.

### ***LRRT RR Orientation Responsibilities***

#### **Orientation**

RR assistance should be conducted onsite or virtually at the end of each work shift to accommodate impacted workers. If the employer does not provide the space, explore other options such as the local WorkOne/AJC office, union hall, or another nearby facility.

- RR orientation must include informational packets that include all available WorkOne/AJC services and other community resources.
  - Written materials, brochures, and the Survey are to be available in English, Spanish, and other languages as appropriate.
- Event packets must include information on the following:
  - Indiana Career Connect User Guide;
  - Unemployment Insurance (UI) claim and benefit payment information;
  - Instructions on how to access Uplink;
  - Information on career counseling and job search assistance;
  - Information on resume preparation and interviewing skills workshops;
  - Information on local labor market;
  - Education and training opportunities (WIOA);
  - Information on health benefits (Cobra); and

- Community resources
- Available programs, services and benefits are to be explained and should include the following:
  - TAA;
  - COBRA and other health insurance coverage/tax credits;
  - Labor Market Information and employment opportunities;
  - Reemployment services;
  - Job training services;
  - Filing an UI Claim; and
  - Severance and retirement pay issues if applicable.
- Workers are encouraged to identify their next steps and are assisted in making appointments for career assessments, individual employment plans, job readiness workshops at a local WorkOne/AJC and other community services.
- In the event an employer does not allow orientation to take place and refuses to provide employee information, LLRT should deliver services and resource packets to the employer for employees.
  - If the employer provided employee information to the LLRT, contact can be made through mail, email, or phone to provide information on services and resources available through WorkOne/AJC offices.

### ***Layoff-Aversion<sup>5</sup>***

As part DWD's RR service strategy, the DWD Business Engagement team oversees and provides strategic guidance to the local/regional RR teams. To ensure that businesses receive timely and superior services, the DWD Business Engagement team will coordinate with the local/ regional RR teams to:

- Engage in proactive measures to identify early warning of potential layoffs or opportunities for layoff aversion using data systems and other intelligence.
- Broker strong, diverse partnerships with local economic development organizations, employer groups, and educational institutions for the businesses to remain competitive and upskill incumbent workers.
- Connect companies with sources of funding for managing incumbent worker training programs, apprenticeships, or other worker upskilling approaches as part of a layoff aversion strategy or activity.

Layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion activities may include, but are not limited, to the following:

- 1) Providing assistance to 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,<sup>6</sup>
- 2) 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 dislocated workers in obtaining reemployment as soon as possible;

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<sup>5</sup> 20 CFR § 682.320, 682.330, and 682.340.

<sup>6</sup> WIOA sec. 134(d)(1)(A)(ix)(II)(cc).

- 3) Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs;
- 4) Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity;
- 5) Connecting companies to:
  - a. Short-time compensation or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available under Unemployment Insurance programs;
  - b. Employer loan programs for employee skill upgrading; and
  - c. Other Federal, State, and local resources as necessary to address other business needs that cannot be funded with resources provided under this title;
- 6) 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;
- 7) 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;
- 8) 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;
- 9) Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses; and
- 10) Connecting businesses and workers to short-term, on-the-job, or customized training programs and registered apprenticeships before or after layoff to help facilitate rapid reemployment.

## Action

Local areas are to ensure this policy and all related technical assistance documents are fully implemented.

Contents of this policy is subject to routine DWD monitoring.

## Effective Date

Immediately.

## Ending Date

Upon rescission.

## Additional Information

Questions regarding the content of this publication should be directed to [DWDRapidResponse@dwd.IN.gov](mailto:DWDRapidResponse@dwd.IN.gov).