

<b>Department of Community Colleges and Workforce Development</b>	Number: 589-20.10
	Effective Date: 4/3/03 Revised: 10/18/05
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SUBJECT: Distribution of Workforce Investment Act (WIA) Rapid Response and Additional Assistance Funds.	Approved: 

Purpose To establish procedures regarding the distribution and use of Workforce Investment Act Rapid Response and Additional Assistance Funds reserved for WIA Subrecipients.

Background PL 105-220 (Workforce Investment Act), Section 101(38), and Section 134(a)(2)(A)

References Section 101 (38)  
Section 132(a)(1)  
Section 133(a)  
Section 134(a)(2)(A)  
Section 134(a)(3)(A)(iv)(I)  
20 CFR 665.300-340  
OAR 151-020-0020

Definitions

Dislocated Worker Unit (DWU) of the Department of Community Colleges and Workforce Development (CCWD) - an identifiable unit within the CCWD with the capabilities and functions identified in Section 112(b)(17)(ii) and 134(a)(2)(A) of the WIA.

Formal Request for Funds – correspondence requesting funds which includes details as outlined in Section C.

Peer Support Advocate – a worker, selected from the affected workforce and by a process that includes worker input and a transition team, to provide clear and accurate program information and act as a liaison between program services and the affected workforce.

Prefeasibility Studies – preliminary assessments performed to explore the feasibility of having a company or group, including workers, purchase the plant and continue its operation or to avert closure or layoffs.

State Dislocated Worker Unit and Local Dislocated Worker Liaisons Working Agreement - the agreement between local program operators and CCWD which outlines protocols for communicating layoff activity information.

Statewide Additional Assistance Funds – funds reserved by the Commissioner for use in accordance with the provisions of Section 134(a)(2)(A)(ii) of the Act.

Statewide Rapid Response Funds – funds reserved by the Commissioner for use in accordance with the provisions of Section 134(a)(2)(A)(i) of the Act.

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Workforce Promoter – services provided under contract between CCWD and the Employment Department to provide an avenue to mail or phone program information to workers who may be affected by a layoff from a specific company where pre-layoff services were not feasible.

Workforce Transition Committee or Transition Team – a team of employer representatives, employee representatives, local program providers, state staff, and union representatives that meets to design and influence the provision of services to the affected workforce.

### Policy

Rapid Response and Additional Assistance Funds are to be used in response to specific dislocation events where state staff have been previously advised of the layoff or closure in accordance with the State Dislocated Worker Unit and Local Dislocated Worker Liaisons Working Agreement, where pre-layoff services are planned, and the scope of services is designed based on input from a workforce transition committee and worker surveys. In the event that pre-layoff services are not feasible, the local program provider will contact the employer in an effort to secure a list of the affected workers so that outreach can be conducted via mail or telephone. If the employer is uncooperative, the local program provider will coordinate with the Dislocated Worker Unit and the Workforce Promoters to mail program information to the affected workers. These funds are to be used to temporarily expand service capacity to address the needs of a specific group of workers. Rapid Response and Additional Assistance Funds will not be awarded as a means to replenish general formula fund short-falls or fluctuations in dislocated worker formula funds, nor will they be made available to offset funding shortfalls because of participant carry-in from one program year to the next.

The DWU of the CCWD shall review all requests for Rapid Response and Additional Assistance Funds made by Oregon's local program providers, and funds will be distributed on a first come first served basis until all funds are exhausted. Program providers must submit a formal request for funds and receive approval by the CCWD. The percentage of funds to be allocated and use of those funds will be determined by the Commissioner of the CCWD in accordance with OAR 151-020-0020.

Each April, the DWU will conduct an analysis of available funds to determine if distribution to the local workforce investment areas utilizing the dislocated worker formula fund distribution methodology is appropriate. If funds remain at the end of the program year, those funds will be distributed to the local workforce investment areas utilizing the dislocated worker formula fund distribution methodology.

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#### A. RAPID RESPONSE Activities

1. Rapid Response funds for pre-layoff activities are funded with 25% dislocated worker funds and will be distributed to subrecipients for provision of pre-layoff services. Rapid Response funds may only be used for pre-layoff activities, and may not be used to provide services that require registration. Program operators may request funds as a reimbursement, to offset costs associated with pre-layoff services. Rapid Response funds will not be awarded for the purposes of providing one-time orientation or information sessions to a group of workers. Any unused Rapid Response awards may be recaptured in the second quarter following award. Rapid Response activities may include the following:
  - a. staff time to meet on-site with employers and employee representatives,
  - b. staff time and materials necessary to assist in establishment of a transition team, voluntarily agreed to by employer representative and worker representatives, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs,
  - c. hiring and training peer support advocates, selected from the affected workforce and by a process that includes worker input and a transition team;
  - d. staff time and materials to establish an on-site resource room and to conduct pre-layoff activities,
  - e. developing, planning and delivering on-site, pre-layoff services, and
  - f. conducting prefeasibility studies in order to determine the potential for averting the lay off, in accordance with 20CFR 665.320 (d)(1).
2. Funds for Layoff Aversion projects, in accordance with Section 134(a)(3)(A)(iv)(I), will be made available on a case by case basis and authorized by the Commissioner.
3. Requests for Rapid Response funds must include details described in Section C1.
4. Layoff Aversion project requests must include details described in Section C2.

#### B. ADDITIONAL ASSISTANCE Activities

1. Additional Assistance funds are for use in accordance with the provision of Section 134(a)(2)(A)(ii) of the Act. These funds are for subrecipients in local workforce investment areas that experience natural or manmade disasters, mass layoffs or plant closings, or other events that precipitate increases in the number of unemployed individuals. Additional Assistance Funds will not be awarded as a means to replenish general formula fund short-falls or fluctuations in dislocated

worker formula funds, nor will they be made available to offset funding shortfalls because of participant carry-in from one program year to the next. These funds are to be used to temporarily expand the service capacity to address the needs of a specific group of workers. Additional Assistance projects include:

- a. **Gap Fill Projects** are to be used to fund services between the requested project start date of a National Emergency Grant (NEG) application submitted to the Department of Labor (DOL), and the date that grant approval notice is issued. Expenditure and participant plan information included in the NEG application will serve as the basis for the award of these funds. Though not a component of the NEG application process, requests for Gap Fill Projects must include a line item budget and budget narrative. Funds will be awarded on a quarter-by-quarter basis, until the grant approval notice is issued. Subrecipients must provide detail indicating that formula dislocated worker funds are not sufficient to meet this need. Once NEG funds are awarded, Gap Fill project funds will be returned to CCWD.
  - b. **Additional Assistance Projects** will be considered by the Commissioner and awarded on a case by case basis to program providers in areas with layoffs that do not meet the threshold of a NEG application, but for which regular Dislocated Worker formula funding is not available or sufficient. Subrecipients must provide detail indicating that formula dislocated worker funds are not sufficient to meet this need. These funds are to be used in response to specific dislocation events, where pre-layoff services are delivered and the scope of services is designed based on input from a transition team and worker surveys. In the event that pre-layoff services are not feasible, the local program provider will contact the employer in an effort to secure a list of the affected workers so that outreach can be conducted via mail or telephone. If the employer is uncooperative, the local program provider will coordinate with the Dislocated Worker Unit and the Workforce Promoters to mail program information to the affected workers. Per participant costs for these projects may be no more than 10% above the average cost per participant for the local workforce investment area's formula funded dislocated worker program (as reflected in the current program year local WIAIB plan budget and participant plan). Per participant cost criteria may be waived at the discretion of the Commissioner; appropriate narrative information must be provided by the program operator.
2. Requests for Gap Fill Projects are to be submitted with a brief cover memo requesting the initial quarter of project funds and include details on the NEG application proposal.
  3. Requests for Additional Assistance Projects are to be submitted as described in Section C4.

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### C. Request Guidelines

1. Requests for Rapid Response funds may be made at any time, and must provide a description of the participant services including identification of the activities and components, including detail on:
  - a. the name of the company and location of the affected site, the number of workers affected, the actual date of closure or layoff schedule, the types of pre-layoff services to be provided, the dates of those events, whether or not a transition team is in place and assisting in organizing and delivering pre-layoff services, and the availability of leveraged resources from the company, the union or the community.
2. Layoff Aversion Project requests may be made at any time to CCWD and address the following details:
  - a. the employer and project partners, a target population description including job titles and demographics, number of workers to be served, how the project will avert the layoff, and timelines for implementation,
  - b. evidence that the project will enable current workers to maintain their employment throughout the project, earn credential or certification level increases, wage increases or promotion opportunities, and retain their employment with the employer for an agreed period of time,
  - c. evidence of economic impact in the community if this project should not be funded and layoffs occur, and demonstration of how this project strengthens the employer and will stabilize it such that this type of project will not need to be repeated in the near future, and
  - d. a budget, budget narrative, and a line item budget indicating cash/non-cash match by the employer and/or project partners.
3. Requests for Gap Fill Projects may be made to CCWD when a NEG application has been initiated. Funds will be awarded on a quarter-by-quarter basis.
4. Requests for Additional Assistance Projects may be made at any time to CCWD and must include a line item budget and implementation schedule. Information in the project proposal must include:
  - a. the company or business affected, the number of workers affected, the date of closure or layoff schedule, and the dates of pre-layoff service events,
  - b. a line item budget and budget narrative with administrative costs at no more than 10% of the project total, and
  - c. an implementation and expenditure schedule with detail on the number of workers to be served, the number of workers who will enter employment, and a project period of no more than four quarters.

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5. Requests for Gap Fill Projects and Additional Assistance Projects may include costs for administrative purposes. Administrative costs for these projects will be funded with 15% Statewide Activities Funds, and should be detailed in the request.

D. After request approval, the following will occur.

1. The request will become part of the subrecipient's local WIAIB plan through the modification process.
2. The approved amount of funds will be added to the Notice of Fund Availability and the subrecipient may draw down these funds on the same draw down form used with other WIA funds.
3. Gap Fill Projects will be funded on a quarter-to-quarter basis until the NEG is awarded, and local program operators will track participants using the project tracking code as assigned by CCWD.
4. Additional Assistance Project operators will submit quarterly implementation reports to CCWD, and local program operators will track participants using the project tracking code as assigned by CCWD.
5. Layoff Aversion project operators will provide quarterly implementation reports and an End of Project report, including an evaluative component, to CCWD.
6. Rapid Response and Additional Assistance expenditures will be reported separately on a quarterly basis at the same time as other Financial Status Reports are due.
7. If funds are not expended as planned, CCWD and the subrecipient will review expenditures and determine if funds need to be diverted to another project or returned to CCWD.
8. If it is determined that funds will be diverted to another project, the subrecipient must submit a request to CCWD, with details outlined in Section C.
9. If it is determined that funds will be returned, the subrecipient's local WIAIB plan will be modified to show the reduction in funds, and the recapture will be detailed in the subrecipient's Notice of Fund Availability.

## Procedure

<u>Responsibility</u>	<u>Action</u>
Subrecipient	Submit the appropriate request with details as noted in Sections C and D.
CCWD	Process requests and ensure that all elements of policy are satisfied.  Include request and other documents with the subrecipient's local WIAIB plan in accordance with established modification processes.  Add Rapid Response and/or Additional Assistance funds to the subrecipient's Notice of Fund Availability form in a timely manner.
Subrecipient	Initiate activities in accordance with Section D.

# State Dislocated Worker Unit and Local Dislocated Worker Liaisons Working Agreement

## Purpose

The purpose of this working relationship agreement is to outline an Early Intervention/Rapid Response process that will build upon state and local strengths and resources and take into consideration that each local program and event is unique.

## Mission of Pre-layoff Services System in Oregon

The mission of the pre-layoff system in Oregon is to provide comprehensive information and technical assistance leading to employment of dislocated workers. With the assistance and input from all parties involved, the process will allow for quality pre-layoff services to dislocated workers and employers in Oregon. The following principles should be applied to all layoffs/closures:

- Notify all partners (local, regional, union and state) of layoffs or closures.
- Frame messages positively.
- Maintain confidentiality.
- Think simplistically.
- Keep all commitments made.
- Listen to and acknowledge workers' and employers needs.
- Don't bombard workers or employers with information.
- Accommodate workers' cultural differences.

This pre-layoff guidance is intended to provide an operational guide to all agencies participating in layoff and closure activities. To the extent feasible, all agencies should conduct pre-layoff activities as described. However, circumstance of each closing, layoff or disaster may vary and present unique problems not anticipated or provided for in these procedures. Therefore, procedures described may be altered to fit individual circumstances. Such a departure shall be undertaken with the full knowledge of the State Dislocated Worker Unit. The State DW Unit will serve as the central point of communication among offices statewide, receiving and distributing information as needed.

## Procedure

The following describes an eight-step sequence of Pre-Layoff/Rapid Response activities:

1. initial notification of layoff or closure
2. clarification
3. initial on-site meeting with company representative and worker representative
4. transition team, if possible
5. employee survey
6. employee information session
7. pre-layoff services planning
8. employer feedback – follow up

A summary of activities included in each phase is provided below.

### **Step 1 - Initial Notification of Layoff or Closure**

- The pre-layoff process begins when the DW Unit, local or state liaison receives a formal WARN notice or similar information through informal channels (e.g., a phone call or newspaper article). State and local DW Staff will make contact and share information of layoff/closure via phone or email with state or local partners.
- The process is initiated by communication to or from local DW Liaisons, depending on who is the first party to receive the notification of the layoff/closure. The goal is to make contact with the company and union officials where appropriate and be onsite within 48 hours, where practical. Follow-up with partners is essential with the understanding that the State DW Unit will follow-up with the company if contact is not made with the designated local liaisons within that time period. Communication between local liaisons and the State DW Unit is a priority in this step of the process.
- The layoff/closure will be logged into the State Dislocated Worker Layoff Tracking System.
- State DW Unit staff checks WARN notices for completeness and shares copies with all appropriate partners.

### **Step 2 – Clarification**

- The goal is to complete the investigation and be onsite with the company within 48 hours, where practical.
- The designated Local DW Liaison will contact the company to verify the layoff/closure and gather general information, such as the reason(s) for the layoff(s) or closure; the number of employees involved; union contact information, if applicable and, if there is no union, lead worker information; the expected date of the layoff; and other pertinent information. During this initial contact, the designated Local DW Liaison provides a brief explanation of pre-layoff services. The Local DW Liaison sets up an initial on-site meeting with the company, worker representative and union representative, if applicable.
- Initial partner meeting–The goal of the initial partner meeting is to strategize a plan for the onsite meeting. The goal of the onsite meeting is to obtain the commitment of management, employees and the union, if applicable, to actively participate in pre-layoff services such as the Employee Survey, pre-layoff workshops, outreach and placement activities, etc.
- Helpful information to gather may include, but is not limited to the following.
  - Identify the employees impacted by the layoff. Obtain an employee list.
  - Is there a union involved? If so, what resources can the Labor Liaison and/or Union provide?
  - Define and coordinate services/partners as appropriate: Employment Service, Unemployment Insurance, Workforce Investment Act Services, Education, Department of Human Services, Veterans' Affairs, Economic Development, Consumer Credit Counseling, other state or local government agencies and other community organizations, such as faith-based organizations.
  - Which pre-layoff services (transition team, onsite workshops, resource room, peer advisors, etc.) will be offered?
  - Who will meet with the employer and worker representative to speak on behalf of partners during the initial on-site meeting? Who makes the call and to whom? Is the call to the president, CEO, manager, Local HR or Corporate HR or someone else?
  - Determine what needs to be asked on the employee survey.
  - Discuss the possibility of filing a WARN notice and/or Trade Act petition.

### **Step 3 - Initial On-Site Meeting with Company Representative and Worker Representative**

This initial on-site meeting is with the employer and employee representatives (*i.e.*, union rep., where applicable) is a critical event in terms of the decision-making process for the employer and employees. The DW Liaison listens effectively to understand the situation to be able to provide a professional response to concerns expressed by the parties involved. This meeting should assure the company and the employees that utilizing public services and assistance will result in significant benefits to those affected by the closure or layoff. Suggested outcomes from this initial on-site meeting include:

- identification of worker and employer needs,
- understanding of the services and benefits the dislocated workers may be eligible to receive under WIA and Trade Act,
- agreement on the benefits of an employee survey process and discuss the process,
- identification of services being offered by the employer and union (if applicable),
- knowledge of the employer and the work of the employees,
- formulate timelines,
- determine partnering logistics with hired outplacement (if applicable),
- determine the need for a Transition Team,
- discuss next steps, including when the next meeting will occur.

### **Step 4 - Transition Team**

- A. The transition team should be comprised of:
  - Employer representative(s)
  - Employee representative(s)
  - Local and/or State Liaison(s)
  - Union representative and/or Labor Liaison (if applicable).
- B. When preparing for a transition team meeting, the following tools and resources will be considered.
  - a. Locally available menu of services,
  - b. Field trip to one-stop,
  - c. Make sure software is compatible,
  - d. Community resources for workers,
  - e. Flexibility in times services are offered,
  - f. Determine next steps,
  - g. Describing one-stop services pre- and post-layoff,
  - h. Employee lists (including names and contact information),
  - i. Newsletter,
  - j. Packets of information about available DW services,
  - k. Peer advisors,
  - l. Resource room,
  - m. Additional funding and/or leveraged resources,
  - n. UI Information (phone number and website) and TUI Information (phone number),
  - o. National Emergency Grants (NEGs),
  - p. Workers' Compensation,
  - q. Refreshments,
  - r. Trade Act petition,
  - s. A list of local contacts,
  - t. Format of survey.
- C. When pre-layoff activities are not feasible/possible, the following steps should be taken.
  - a. Contact the employer to gain employee contact information in order to distribute packets or informational letters.
  - b. Contact the State DW Unit to connect with the Workforce Promoters – after attempts to verify with the employer.

### **Step 5 - Employee Survey**

- Conduct a survey of the workers to obtain their direct input concerning the types of services they would like available. A template is available in English, Spanish, Vietnamese, and Russian from CCWD and the results can be compiled by CCWD if the survey is used as presented.

### **Step 6 - Employee Information Session:**

Ideally, members of the Local DW and/or the State DW Unit coordinate these sessions at the worksite.

- This team provides information to the affected workers about the services that will be made available to them to ease the transition to re-employment.
- Additional state agencies or community-based organizations may participate as appropriate, as determined by the Local DW Liaison.

### **Step 7 – Pre-Layoff Services Planning**

Information gathered from employees, company management, and the union (if applicable) will determine the plan for services to affected workers.

- The transition team and partners develop a plan for pre-layoff services utilizing all information obtained.
- This plan will be communicated to the State DW Unit and documented on the State Lay-off Tracking System.
- Clarify the need for additional funding based upon the final plan for services will be developed for the affected workers and submitted to the State.
- Develop a funding strategy, including leveraged resources.

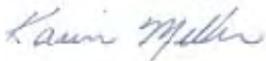
### **Step 8 - Employer Feedback – Follow up, as appropriate**

- Survey employers after services are provided, as appropriate.
- After layoffs, seek a company referral, including contact information.
- Share information obtained with partners.

## **Roles and Responsibilities**

The attached matrix will serve as a guide for state and local roles and responsibilities. This matrix has been revised to include the various Dislocated Worker Program Liaisons work group recommendations.

**Region 1 – Management Training Corporation:**



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Karin Miller, DW Liaison



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Julie Gassner, Executive Director

**Region 2 – Worksystems, Inc.:**



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Kurt Shovlin, DW Liaison



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Andrew McGough, Executive Director

**Reg. 3 – Mid-Willamette Workforce Network**



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Dick Lightfoot, DW Liaison

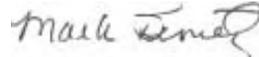


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Lori Bush, Executive Director

**Region 4 – Community Services Consortium**



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Sue McGuire Thompson, DW Liaison



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Mark Bemetz, Executive Director

**Region 5 – Lane Workforce Partnership**



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Valerie Standley, DW Liaison



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Chuck Forster, Executive Director

**Region 6 – Umpqua Training & Employment**

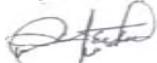


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Mary Trump, DW Liaison

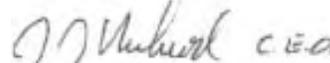


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Norm Gershon, Executive Director

**Region 7 – South Coast Business Employment Corporation**



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Susie Yeiter, DW Liaison



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JJ McLeod, Executive Director

**Region 8 – The Job Council**

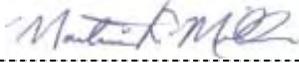


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Patricia Harper, DW Liaison

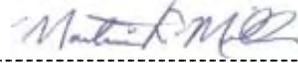


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Rich Cole Executive Director

**Reg. 9 – Mid-Columbia Council of Governments**



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Marty Miller, DW Liaison



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Marty Miller, Executive Director

**Region 10 – Central Oregon Intergovernmental Council**



Ann Delach, DW Liaison



Tom Moore, Executive Director

**Region 11 – Klamath-Lake Employment Training Institute**



Andrea Jackson, DW Liaison



Sheila Crawford, Executive Director

**Region 12 – Community Action Program East Central Oregon**



Helen Doherty, DW Liaison



Dawn Salsbery, Executive Director

**Region 13 – Training & Employment Consortium**

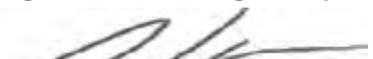


Teri Simonis, DW Liaison

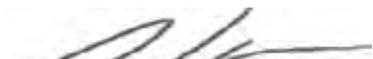


Teri Simonis, Executive Director

**Region 14 – Training & Emp. Consortium**



Chad Freeman, DW Liaison



Chad Freeman, Executive Director

**Region 15 – Workforce Investment Council Clackamas Oregon**



Catherine Nopp, DW Liaison

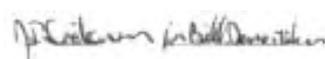


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Melissa Kincaid, DW Liaison



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