



October 2, 2009

**Workforce Investment Act Policy Letter No. 09-05**

To: Workforce Investment Act (WIA) Local Workforce Investment Boards (WIBs), Fiscal Agents, Administrative Entities and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Local Rapid Response Program Requirements

**I. Purpose**

This policy provides local area WIBs and stakeholders with new program implementation requirements for the delivery of Ohio's rapid response program. Additional program requirements may be issued at a later date.

The Rapid Response Procedures Manual further clarifies and supports this policy.

**II. Effective Date**

July 1, 2009

**III. Background**

The Ohio Department of Job and Family Services (ODJFS) commissioned a study by the National Employment Law Project (NELP) to evaluate the current status and effectiveness of Ohio's rapid response service delivery system and to provide recommendations for improvement. NELP evaluated Ohio's rapid response system in August 2008 and issued a report in late September 2008. Subsequently, ODJFS chartered an inter-agency team to develop a strategy and implementation plan related to the NELP study and existing data for Ohio's rapid response service delivery system. The resulting policy reflects needed changes to strengthen Ohio's rapid response system throughout the state through accountability, partnership, communication, professional development, and timely access to needed services.

Detailed descriptions and procedural activities are found in the Ohio Rapid Response Procedures Manual. This manual is provided during rapid response training and will be updated as needed to reflect any changes. Copies will also be available online at <http://jfs.ohio.gov/workforce/workforceprof/rapidresponse.stm>

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following the completion of all rapid response training sessions offered in June 2009.

#### **IV. Requirements**

##### **A. Overarching Principles**

The Workforce Investment Act holds states responsible for the provision of rapid response services. Ohio's new rapid response program requirements shall ensure that both workers and employers have expedient access to services when facing real or potential downsizing or plant closures. Rapid response activities may be a short-term solution to an immediate need for employers as well as workers.

In order to establish a robust, efficient, timely, and high quality service delivery system, strong partnerships at both the State and local levels are critical. These partnerships are the foundation for Ohio's delivery system.

In Ohio, rapid response services are delivered at the local level through local area Workforce Investment Boards (WIBs) and their One-Stop systems. Local WIBs validate their role as the service delivery mechanism through signing a Notice of Intent (NOI). This NOI requires adherence to State policy and procedure requirements defined in this issuance, the Rapid Response Procedures Manual, and any future policies issued by the State. Should local WIBs choose not to participate in the rapid response delivery system, or fail to follow Ohio rapid response policies and procedures; the State will offer technical assistance as needed by the local WIB. However, it is the State's intent, should the need arise, to identify alternate delivery methods in order to fulfill its statutory requirements.

##### **B. Roles and Responsibilities**

Each One-Stop system must have a State/local area rapid response team made up of the following mandated partners: ODJFS Regional Rapid Response Coordinator (RRRC) (Office of Local Operations); a local area Rapid Response Coordinator (RRC) (representing the WIB / WIA / One-Stop system); the Ohio Department of Development (ODOD) Business Service Representative (BSR); and the State contracted designee. Each mandatory partner also must assign backup representatives to participate in the State/local area team to ensure responsibilities are fulfilled.

The ODJFS rapid response unit will oversee Ohio's rapid response service delivery system, ensuring compliance with federal and state requirements and implementation of program initiatives, and providing support, guidance, technical assistance, and financial resources to the State/local area rapid response teams and stakeholders.

Specific responsibilities of the mandated State/local area team members are as follows:

## 1. ODJFS Regional Rapid Response Coordinators (State RRRC)

The RRRCs are made up of seven individuals and are part of the ODJFS Office of Local Operations staff, out-stationed throughout Ohio and assigned to specific areas of the state, as identified on the Rapid Response Regional Map.

- RRRCs are to be actively involved with each local area WIB or One-Stop system's rapid response team, supporting, assisting, and coordinating activities around dislocation events within their respective regions.
- Working in partnership with the State/local area team members, the ODJFS RRRC will regularly communicate with the central ODJFS rapid response unit, providing updates on events, advising when additional assistance is needed to meet service delivery needs, recommending applications for additional rapid response funds for local events, and ensuring sufficient resources are available to address UC, Trade, and re-employment service access.
- RRRCs will assist the team in meeting all requirements of the new delivery system.

## 2. Local Rapid Response Coordinators / Backups (Local RRC)

Designees from each One-Stop system and WIB will work collaboratively with all mandated team members by:

- Representing One-Stop partners, conducting rapid response services, and ensuring WIA program services are available as needed for dislocation events in their areas.
- Bringing in appropriate representatives from counties within their One-Stop systems or WIBs to help ensure consistency of services throughout multi-county systems and draw necessary resources from local partners as needed to meet employer and worker needs.
- Ensuring that workers served in rapid response activities have a smooth transition to on-going services available through formula-funded programs as appropriate in an efficient, streamlined, and timely manner.

## 3. ODOD Business Service Representatives / Backups (ODOD BSR)

ODOD has designated a representative to each of the seven regions to participate on the State/local area rapid response team. Access to layoff aversion assistance will be offered through these ODOD representatives when appropriate and feasible.

Note:

The expectation is that the three mandatory partners delineated above will act in coordination and agreement during any and all layoffs in their particular region regardless of the size of the event. The group will collectively decide the single point of contact for the employer to ensure consistency, efficiency and accountability. The single point of contact will be responsible for the timely dissemination of information to the other mandatory partners to ensure accurate and up to date information is available and communicated to other stakeholders, partners and the central rapid response unit. As indicated above, the Office of Local Operations is ultimately responsible for providing updated information to the central office rapid response unit and as such, will bear the ultimate responsibility and oversight for each event. In the event the three mandatory partners cannot agree on an appropriate employer contact or plan of action, the responsibility will default to the Office of Local Operations. Collaboration and coordination should be the chosen path in the interest of quality, efficient and complete customer service.

4. ODJFS State Contracted Designee – United Labor Agency (ULA)

Working collaboratively with the State/local area rapid response teams, representatives from ULA will assist the teams with the provision of specific rapid response activities:

- Labor Management Committees (LMC)
- Transition Centers
- Peer-to-Peer Assistance

A determination will be made during the initial phase of notification, research, and meeting preparations with the employer as to how best to utilize the ULA representatives. Representatives may be involved with union or non-union dislocation events – the extent of involvement will be determined by the local team. However, the State reserves the right to engage further assistance and involvement if warranted throughout any phase of serving the employer and/or workers tied to specific dislocation events.

**C. Training Requirements**

A comprehensive training curriculum has been developed to ensure all stakeholders are fully knowledgeable of the processes required for handling rapid response services for dislocations across Ohio. In order to ensure each State/local area rapid response team is fully trained on these procedures and are proficient in standard rapid response processes and policies, all State RRRCs, local RRCs, ODOD BSRs, ULA, and their respective backups are mandated to attend rapid response training sessions identified by ODJFS, Office of Workforce Development (OWD).

## **D. Dislocation Event**

An "event" is defined as any situation in which workers are informed, through media, individual notice, issuance of a Worker Adjustment and Retraining Notification (WARN), or plant/facility closure, that they are at risk of layoff. The classification of an event is without regard to the number of individuals potentially impacted.

State RRRCs and local RRCs are required to begin the rapid response process when either party becomes aware of a dislocation event within the area of their corresponding One-Stop system.

## **E. Required Rapid Response Activities**

All local WIBs and One-Stop systems that have agreed to be a part of the local area rapid response service delivery system must have the following array of rapid response services available, as needed, for local employers and impacted workers:

- Preliminary steps upon notification of potential event (notification, research, strategy, plan development)
- Initial employer meeting
- Worker orientation sessions
- Worker needs surveys
- Labor-Management Committees (LMCs) or Transition Committees
- Peer-to-Peer Assistance
- Transition Centers
- Job / Career / Education fairs
- Workshops including job search, resume, interviewing, computer classes, remedial education

The above list represents the minimum services that must be readily available. A complete list of rapid response activities is found in WIA regulations, 20 CFR 665.310. On-going technical assistance to local WIBs and One-Stop systems is available through the ODJFS, OWD.

## **F. Mandatory Rapid Response Process**

The following steps are required for every dislocation event. Because of the uniqueness of each event, the State recognizes that variances may be necessary. However, should variances occur wherein the mandatory process is not feasible, the State RRRC and local area RRC must follow reporting requirements listed in section G to the extent that information is available. Detailed descriptions and procedures for each step in the process are found in the Ohio Rapid Response Procedures Manual.

1. Notification: Upon identification of an event with the One-Stop system, the State RRRRC and local area RRC determine who will act as the lead for this particular event. The lead becomes responsible for informing all stakeholders at the state and local level within 24 hours. During this phase it is also determined who will initiate contact and act as the primary point of contact with the employer.
2. Research: Immediate sharing of information among stakeholders is a critical first step when notification of an event occurs. This "behind the scenes" step will assist in providing a knowledgeable and professional impression when making the initial contact with the employer. Available opportunities for layoff aversion activities must be explored during this step with ODOD, BSRs and other appropriate stakeholders.
3. Initial Contact: Opportunity for the informed primary point of contact to make initial contact with the employer about the possible dislocation and rapid response services available to the employer and employees.
4. Strategy Meeting: From data gathered during the initial contact with the employer, the primary point of contact assembles the State/local area team of service delivery partners to develop a strategy in preparation for the upcoming initial meeting.
5. Initial Meeting: Ideally with both Labor and Management present, a small team will present a standard agenda and marketing of rapid response services based on the strategy meeting. Outcomes may include the creation of an LMC and/or an approved plan of activities to serve the employees potentially being dislocated.
6. LMC: Representatives from Labor and Management meet to determine the rapid response services that will best assist the impacted workers. Worker surveys or other means may be used to ensure a comprehensive plan is developed. State funding will be available to assist with the LMC creation, training, and development of the plan.
7. Approved Plan: This will outline the services determined to best assist the impacted workers. If an LMC is recommended, the approved plan will be an outcome of that effort.
8. Worker Orientation: An open forum for impacted workers to become informed of the array of available rapid response services.
9. Additional Services: Components of an approved plan may contain additional activities such as transition centers or career fairs to better assist the impacted workers.
10. Training: Rapid response funding addresses immediate and short-term training needs. The One-Stop will be the connection for workers to obtain long-term training and/or other services via the WIA Dislocated Worker Program.

## **G. Reporting Requirements**

Ready access to accurate up-to-date information for Ohio's dislocation events is critical to many stakeholders at the State and local level. This data is also a key factor in assessing the need for financial assistance at the State and federal level, and is required when applying for National Emergency Grants (NEG) through the

United States Department of Labor. For these reasons, the State is mandating the collection and reporting of rapid response data elements at the local level.

There are two levels of reporting for dislocation events: employer and worker. This requires the utilization of two separate data systems.

Employer /event data tracking (OhioRED.gov):

ODJFS, OWD has implemented a rapid response information tracking system, Ohio Rapid Event Data (OhioRED.gov). OHIORED.gov records all of the information significant to the dislocation event from the initial contact with the employer through the worker orientation session(s) for the impacted workers. The system is a hub that tracks and facilitates scheduling as well as services among the state staff, local staff, contracted partners, ODJFS Local Operations, CDJFS offices, and local workforce areas.

In order to ensure consistency of data collected for sufficiently tracking and reporting Ohio's dislocation events, three forms have been developed for use at the local level:

ODJFS Initial Rapid Response Contact Report (JFS 01810)  
ODJFS Rapid Response Characteristics Worksheet (JFS 1811)  
ODJFS Post-Initial Meeting Rapid Response Report (JFS 01812)

**Initial data for each dislocation event must be entered into OhioRED.gov within 24 hours of contact with the employer. The individual responsible for data entry shall be determined by the State RRRC and local RRC prior to initial contact with the employer.**

Worker Data (SCOTI Mini-Registration):

All individual workers who attend a worker orientation session must be entered into SCOTI mini-registration. An event code assigned at the point of data entry into OhioRED will be entered into SCOTI in order to track individual workers accessing services from each event. Although data elements are minimal for workers at this level of service, it is the beginning of a log of services that can then be used to ensure a smooth transition to WIA program enrollment, should additional services be needed.

It is anticipated that the most common point of initial entry for individual workers will follow a worker orientation session. However, for those workers who do not attend an orientation session but who visit a One-Stop seeking assistance, the appropriate event number must be identified and entered accordingly into SCOTI. These data will assist in tracking workers from specific events and can be used to justify need for additional rapid response funds and potential NEG funds, as well as provide the State with data needed to assess the impact of rapid response services throughout the state.

**Worker data must be entered into SCOTI within five (5) working days of the worker orientation session(s).**

#### **H. Transitioning from Rapid Response Services to the Local Area WIA Program**

Expedited access to needed services is essential for impacted workers who are eligible for enrollment into local WIA formula-funded programs. All rapid response services that individuals have received prior to determination of WIA eligibility should be considered when developing a service strategy in order to eliminate duplication of services and engage the worker in program services. All WIBs and One-Stop systems must develop local procedures that identify all impacted workers during their initial visits to the One-Stops in order to build upon any rapid response services they may have previously received. These procedures must ensure that workers can quickly access needed services without unnecessary delays.

**WIBs are required to submit their written procedures on how workers will be identified at the One-Stop and what the process will be to connect to formula-funded program services in a timely manner. Procedures must be e-mailed to the ODJFS Rapid Response Section within 45 days from the issuance of this policy. Please direct e-mails to: [RAPDRESP@JFS.OHIO.GOV](mailto:RAPDRESP@JFS.OHIO.GOV). The subject line of the e-mail should state: Rapid Response Customer Identification.**

Eligible workers served in the rapid response program must be enrolled in the local formula funded dislocated worker program when staff-assisted services are needed. Workers receiving non-registered services and/or are participating in group activities (i.e. workshops, information sessions, etc) are not required for enrollment into the local dislocated worker program. As with all other individuals enrolled in the local dislocated worker (DW) program, all WIA DW program eligibility requirements must be met and documented appropriately, following WIATL 27, Source Documentation Guide to WIA Eligibility.

#### **I. Rapid Response Funding**

To support the new rapid response service delivery system, a baseline rapid response allocation will be distributed to each local area WIB or One-Stop System that agrees to participate in Ohio's rapid response service delivery system. This initial allocation will be distributed in accordance with a formula based on specific factors within the local area/One-Stop system. Baseline funding may be used to offset the costs related to the local RRC, the backup designee, outreach, costs associated with building the local area rapid response team, training costs, data system updates, or any other allowable rapid response program activities.

Should additional funds be needed in order to respond to a dislocation event, local area WIBs must apply using the ODJFS rapid response application. Detailed instructions on the application procedures are available through the ODJFS Office of Workforce Development. It is important to note that rapid response funds are

not intended to duplicate the local dislocated worker formula-funded program. Rapid response funds are to ensure efficient early intervention strategies are available for dislocation events, with effective transitions to local WIA formula-funded programs for those workers in need of long term assistance.

Upon receipt of rapid response funds for approved dislocation events, local WIBs must ensure that impacted workers are not turned away from services based on residency issues.

In order to most effectively utilize rapid response funds, the State will use incremental funding for all approved applications. Remaining approved funds will be allocated in quarterly increments depending on the local areas' expenditure rates. The purpose of incremental funding is to allow better monitoring of the flow of program funds and the redirection of funds throughout the year as circumstances change.

## **V. Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [WIAQNA@JFS.OHIO.GOV](mailto:WIAQNA@JFS.OHIO.GOV).

## **VI. References**

Workforce Investment Act of 1998, Public Law 105-220  
Workforce Investment Act Final Rules, 20 CFR Part 652, et al.  
National Employment Law Project Report (NELP) 11/12/2008  
Rapid Response System, response to NELP study on Ohio's Rapid Response System, 12/16/2008  
The Worker Adjustment and Retraining Notification Act (WARN)