



Rapid Response & Layoff Aversion Procedure *Revised: August 2016*

I. Purpose

The purpose of this procedure is to combine instructions and guidance on Rapid Response (RR) and Layoff Aversion Activities and the reporting of these activities through the submission of 121 and 122 Report forms.

II. Background

The EDD and the California Workforce Development Board released Directive WSD16-04 on July 22, 2016, consolidating previous *Workforce Investment Act* (WIA) Rapid Response guidance into a single comprehensive directive. It provides the California Workforce Development Board's (State Board) policy framework for Local Workforce Development Boards (Local Board) to design and implement a local/regional business engagement strategy and articulates the role of layoff aversion within effective Rapid Response systems.

III. References

WIOA Section 3 51, Rapid Response Activity Definition
WIOA Section 134(a)(2)(A), Statewide Rapid Response Activities
EDD WSD16-04, Rapid Response and Layoff Aversion Activities
EDD WIAD04-22, State-Required Surveys of Dislocated Workers
EDD WIAD05-18, DW 25 % Funding Policy
EDD WSIN15-21, Implementation of CalJOBS Customer Relation Management
NCCC Contract for Service Provision

IV. Rapid Response Services

The primary purpose of Rapid Response as stated in federal guidance is to enable affected workers to return to work as quickly as possible following a layoff, or to prevent layoffs altogether. To accomplish this, the workforce system must be coordinated, comprehensive and proactive in communicating with business. NCCC service providers are responsible for developing a business engagement infrastructure that includes early warning systems, which are necessary to ensure a timely response to worker dislocation. Early indicators can be recognized in a variety of ways, including through close communication with employer representatives, industry groups, organized labor, or through local media.

Rapid Response services are a required activity outlined in the yearly WIOA NCCC Contract for Service Provision with all AJCCs and the WIOA. Requirements include:

1. The AJCC must provide required RR through a planned delivery of services which enable dislocated workers to transition to new employment *as quickly as possible*, following either a permanent closure or mass layoff, or a natural or other disaster resulting in a mass job dislocation;
2. Rapid Response coordinators are required to immediately respond or respond no more than five days after becoming aware of layoff and closure events in their area in order to provide the required activities and services;
3. A RR team must be active in each county. The RR team must include, at a minimum, NCCC AJCC staff, EDD representatives and Rapid Response coordinators.

V. Layoff Aversion

Layoff Aversion is one of several required RR Activities the AJCCs must provide. A layoff aversion strategy helps employers retain a skilled workforce and/or provides workers rapid transition to new employment, minimizing periods of unemployment.

The intent of layoff aversion as a business engagement strategy is to provide business solutions to companies that want to save jobs. To save jobs, a business engagement team must be able to identify an at-risk company well in advance of layoffs, get executive level commitment to work together, assess the needs of the company, and deliver solutions to address risk factors.

This requires a new culture of prevention and a strong infrastructure, including clarity of roles among regional partners. It requires data collection and analysis of regional labor market and industry sector trends, early warning mechanisms that can alert of problem areas and well-trained staff with capacity to build relationships among businesses, labor organizations and civic leaders. 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.

VI. Definitions

Business Solution Documentation – For the completion of the business solution strategy reported on a 122 form, *documentation of outcomes must be attached to the 122 Report* and retained locally for audit purposes. Note – While not in the EDD Directive RR staff have been directed that this information must be provided to the State when submitting the 122 form. The examples of documentation include:

- Job Retained/Saved –
 - Letter from the employer for a job retained/saved
 - Form letter developed by AJCC with employer information and signature that a job retained/saved
- Rapid re-employment –
 - Letter from new employer
 - Form letter developed by AJCC with new employer information and signature for re-employment
 - Information collected for individual to show employment
 - EV 08, Telephone Verification/Document Inspection (contacting new employer and completing relevant information on this form)

Business Cycle – A business cycle is identified as a sequence of four phases:

- Contraction – A slowdown in the pace of economic activity
- Trough – The lower turning point of a business cycle, where a contraction turns into an expansion
- Expansion – A speedup in the pace of economic activity
- Peak – The upper turning of a business cycle

Customer Relationship Management Module (CRM) – The CRM is a CalJOBS based tool, supported by the Employment Development Department (EDD), which allows Local Boards and their partners who have access to the CalJOBS system to record, track and report a variety of business engagement activities at the individual company level.

Employer Contact (Rapid Response 121 Report) – A visit to an employer by staff for the purposes of conducting Rapid Response activities. This visit may be in person, by telephone or through the use of other interactive technology. This is a cumulative report.

Employer Contact (122 Report) – This form is used only to report the development, implementation and completion of a business solution strategy(s) relating to and resulting in job retention at the current place of employment and the rapid re-employment (talent transfer) of affected workers. This is a cumulative report.

Jobs Retained – A layoff is averted when (1) a worker’s job is retained with the current employer that is at risk of downsizing or closing, or (2) when a worker at risk of dislocation transitions to a different job with the same employer.

Layoff Aversion – The process of using a series of activities, studies, and networks to examine a business or sector’s cycle, organizational conditions, markets, and broad community relationships etc., in an effort to determine workforce and economic solutions that can mitigate job loss or save jobs.

Rapid Re-Employment (Talent Transfer) – A laid off worker is hired by a different employer and experiences short term unemployment (45 calendar days or less). To qualify for this activity, a confirmed job offer must be on file from the hiring employer and issued within 45 days of the date the participant becomes unemployed.

Significant Layoff – NCCC definition is when 30% of the workforce are laid off from a single employer.

VII. Reporting Requirements

Reporting for Rapid Response and Aversion Activities are reported on standardized forms (attached). The reports are cumulative (each month’s activity is added to the prior month’s information) during the total report period. The report period for both the 121 and 122 is April 1 through March 31 of the following year.

RR 121 and Aversion 122 Report forms are submitted to the NCCC administrative office on or before the 15th of the month following the report month. The completed forms (and appropriate backup documentation is to be emailed).

Rapid Response 121 Report

A RR 121 Report (line item instructions attached) must include those activities relating to *employer contacts in a response to a layoff or closure*. The 121 Report must be completed to report RR activity by NCCC AJCC staff when conducting on-site layoff/closure planning meetings and/or on-site layoff/closure orientations for all Worker Adjustment and Retraining Notification (WARN) and non-WARN events. Planning meetings are for information only and will not be used in the calculations of the RR funding, but still should be reported.

As of October 2015 the California Workforce Development Board (WDB) is requiring that all events regardless of worker numbers impacted are reported to the State. The communication from the California WDB **requires that information and resources you provide must be listed in the comments section.**

When NCCC AJCC RR staff is invited by another Local Workforce Development Area to participate in a joint rapid response event staff would document on the 121 form, with the following instructions to complete the report:

1. For the “*Number of Affected Employees*” only indicate the number of affected workers who reside in the county or Consortium;
2. In the “*Comments*” section explain that it is a joint RR, give name of other local area, the total number of affected employees, and how many of the total employees reside within the county or Consortium.

NOTE: RR activities are not reported for an out-of- town/out-of-state employer UNLESS staff participated in an on-site visit.

Pursuant to WIAD04-22, State-Required Surveys of Dislocated Workers, recipients of Workforce Innovation and Opportunity Act (WIOA) 25% RR funds must conduct Dislocated Worker **surveys** in respect to every *significant layoff event* that necessitates on-site Rapid Response in their service areas. The State of California states that at a minimum the surveys *must determine* the number of affected workers who express an interest in receiving WIOA funded services; the kinds of WIOA services the affected workers express an interest in receiving; and number of affected workers who are *not interested* in WIOA funded services and why they are not interested. Additional requirements for completion and retaining the surveys:

1. NCCC RR teams must use the NCCC standardized Dislocated Worker Survey;
2. Surveys must be completed on all Worker Adjustment and Retraining Notification (WARN) events; all non-WARN events where *10 or more workers* are laid off from a single employer; and all “significant layoffs” defined by NCCC as “*one that affects an employee that works at least 20 hours per week in a business that employs at least 30*”

employees when at least 10 individuals are laid off or 30% of the employees are laid off from a single employer.” [Ref: NCCC Eligibility Case Management Procedure]

3. Documentation of each survey must be maintained by the AJCC together with a statement of the program action that was taken as a result of the findings of the surveys;
4. Dislocated Worker Surveys are not submitted with the 121 Reports. Upon request these document must be available and/or AJCC may request an overview of the surveys.

Layoff Aversion 122 Reporting

The Layoff Aversion 122 report form (line item instructions attached) has been developed to capture and report business solution strategies delivered to businesses during any stage of the business cycle that relate to and result in job retention/saved and/or rapid re-employment.

A 122 Report are completed for job(s) retained at an existing employer and/or a rapid re-employment(s) with a different employer. It is important that Local Areas consider and document how layoff aversion activities will result in a positive outcome before allocating resources. For completion of a Business Solution strategy, documentation of outcomes must be attached to the 122 Report that is submitted to the NCCC office and retained locally for audit purposes.

Note – The 122 form is to be used to report only business solutions completed during the reporting quarter. It is not a register of local activities. This may be accomplished on the Customer Relationship Management Module on the CalJOBS.

Categorization of Rapid Response Activities
Title 20 Code of Federal Regulations Notice of Proposed Rule Section 682.330

Activity	Required	Allowable	Prohibited
Conducting planning meeting with employer	X		
Assessing layoff aversion potential	X		
Conducting orientation meeting with employees	X		
Providing TAA orientation	X		
Delivering/ mailing Rapid Response informational materials	X		
Providing access to CalJOBS SM and Skills Match on-site, using company's or mobile facility	X		
Enabling participants to register with America's Job Center of California SM onsite	X		
Job fair or information expo focused on one or more dislocation events, at or not at the dislocation site	X		
Coordinating Labor-Management/Workforce Transition Committee	X		
Providing information about services available in the AJCCs and setting up systems to provide on-site access to information and services	X		
Providing training orientation on industry specific opportunities (ex: Biotech)	X		
Providing resources for food, shelter, clothing and other emergency assistance	X		
Conducting Business Engagement Activities	X		
Conducting Research on Business Activities	X		
Devising layoff aversion strategies with employer	X		
Providing layoff aversion technical assistance to employer	X		
Conducting business services workshops	X		
Training affected workers to upgrade skills for another position in company	X		
Attending Regional Roundtable		X	
Attending conferences		X	
Conducting interview technique workshops		X*	
Conducting job search assistance and resume writing workshops		X*	
Completing Unemployment Insurance applications			X
Job fair or information expo not related to a dislocation event			X

* Local Workforce Development Areas may conduct group workshops (e.g. job search assistance and/or resume writing workshops) as part of on-site Rapid Response to business closures or significant layoffs and charge the cost to their 25 Percent Rapid Response funds if they have determined, in consultation with the local workforce services manager, that EDD workforce services staff are not available to conduct such workshops.

**RAPID RESPONSE 121 REPORT
LINE ITEM INSTRUCTIONS**

The Excel Spreadsheet Report is designed to collect data to be considered as a factor in the process of allocating Rapid Response funds to Local Workforce Development Areas (Local Area). Activities reported on the Rapid Response 121 Report are those *relating to employer contacts in response to layoffs or closures*, as defined by the California Workforce Development Board. Reportable employer contacts include Worker Adjustment and Retraining Notification (WARN) and non-WARN events. The Rapid Response 121 Report must be completed to report all employer layoff/closure planning/orientation meetings. Planning meetings and/or orientations of nine or less employees are for information only and will not be used in the calculation of the dislocation-based formula funding factor.

Complete a separate line item entry for each employer contact occurring on different days, locations, or employers. Complete a single line item entry if multiple sessions are conducted on the same day, for a single employer with the note of how many multiple orientations were made that day.

The Rapid Response 121 Report is cumulative, and must be completed quarterly and submitted via email by the 20th of the month following the quarter’s end to the assigned Regional Advisor, with a “cc” to the Local Area administrator.

Date	Date on which the Local Area staff provided Rapid Response planning services to a company where workers are being laid off or date that orientation was provided to affected workers. If the services span more than one day or extend to more than one site, complete a separate line item entry for each day and/or site.
Reason for Visit	Enter “OR” for an orientation provided to affected workers or “PLAN” for an employer planning meeting.
Company Name	Name of the company.
Street Address	Street address of company, which is location where Rapid Response services were provided.
City	City of company.
Zip Code	Zip code of company.
Industry Sector (NAICS Code)	Select item from drop down menu.
Date of Layoff	Date of first layoff.
Total number of affected employees	Enter the total number of employees affected by the layoff/closure. If multiple local areas participate in a joint meeting, the local areas must agree on the division of the affected workers to report on the RR121. The aggregate shall not exceed that the total number of affected workers for the event.
Number of affected employees who attended	Enter number of employees who attended the orientation.
Union Shop	This information is required by the NCCC Boards. If “Yes” list the name of the Union in comment section.
Comments	Additional comments, notes, explanations – required.

**LAYOFF AVERSION 122 REPORT
LINE ITEM INSTRUCTIONS**

Activities reported on the Layoff Aversion 122 Report are those relating to layoff aversion (LOA) activities resulting in jobs retained at the current employer and/or rapid re-employment services (talent transfer) at new employer, conducted during any stage of the business cycle as defined in the directive.

Complete a separate line item entry for each layoff aversion solution and/or rapid re-employment service delivered. The Layoff Aversion 122 Report must be completed quarterly and submitted via e-mail by the 20th of the month following the quarter end to the assigned Regional Advisor, with a “cc” to the Local Area administrator. This report is cumulative and the report year is April 1 through March 31 of the following year.

Date	R/RE	Insert Date of Initial Contact (mm/dd/yy)
Company Name (Company Retaining Jobs)	R	Insert Company Name where Business Solution is Delivered
Company Name (Company hiring within 45-days)	RE	Insert Company Name where worker(s) are Rapidly Re-Employed
City	R/RE	Insert City where Company is Located
Start Date of LOA Solution Delivery (or) Termination Date for Rapid Re-Employment	R/RE	Insert Date (mm/dd/yy)
End Date of LOA Solution Delivery (or) Rapid Re-Employment Date (45-days)	R/RE	Insert Date when Solution is Completed and/or Date of Hire (maximum of 45 calendar days from layoff) (mm/dd/yy)
Business Solution Delivered	R	Identify Solution Delivered (Incumbent Worker Training, Customized Training, Work Sharing, etc.) and by Whom (Employment Training Panel, Vendor, Partner)
Industry Sector (NAICS Code) and Title	R/RE	Enter Code -- Select item from drop down menu
Local Area Priority Sector	R/RE	Yes or No -- Is the Sector identified in the local/regional Strategic Plan as a Priority (Select item from drop down menu)
Number of Jobs Retained	R	Enter Total Number of Jobs Retained Resulting from Business Solution
Number Rapidly Re-Employed Jobs	RE	Enter number of workers Rapid Re-Employed (Talent Transfer)
Documentation from Employer for # of Jobs Retained	R	Yes or No -- Do you have documentation from the employer attesting to the jobs retained? (Select from drop down menu) <i>(Documentation must be attached to this report and retained at the local level)</i>
Documentation from Employer for # of Rapid Re-Employment	RE	Yes or No -- Do you have documentation from the gaining employer(s) attesting to the placement/hiring of the worker(s). A pay stub from the participant is acceptable documentation. (Select from the drop down menu) <i>(Documentation must be attached to this report and retained at the local level)</i>

Legend:

R = Jobs Retained

RE = Rapid Re-Employment

North Central Counties Consortium

Sector Strategy

In early 2013 the California Workforce Investment Board conducted surveys with California Community Colleges (CCC) and Local Workforce Boards to determine the overlay of industries that were priorities/emerging for both. NCCC identified the following industry sectors that were identified by CCCs as growing in NCCC. We have included Construction, although this industry was not identified as a priority/emerging by our local Community College, but have jobs in the area.

Below are the industries with a brief overview of employers and jobs that are listed by EDD associated with the industry <http://www.labormarketinfo.edd.ca.gov/iomatrix/IndList.asp#G>.

Health (NAICS 62)

Employers in this industry include: <i>Offices of physicians, dentists, other health care providers</i> <i>Hospitals</i> <i>Nursing and Residential Care Facilities</i> <i>Medical and Diagnostic Laboratories</i> <i>Home Health Care Services</i>	Jobs include: <i>Registered Nurse</i> <i>LVN</i> <i>Dental Assistance</i> <i>Medical and Clinical Lab Techs</i> <i>Medical Assistance</i>
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Advanced Manufacturing (NAICS 31-33) - One of the most widely used definitions of advanced manufacturing involves the use of technology to improve products and/or processes, with the relevant technology being described as “advanced,” “innovative,” or “cutting edge.”

Employers in this industry include: <i>Food, paper, machinery, computer, electrical equipment</i> <i>Manufacturing</i>	Jobs include: <i>Machine Operators</i> <i>Industrial Truck Drivers</i> <i>Inspectors/Testers</i> <i>Shipping, Receiving</i>
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Agriculture, Walter and Environmental Tech (NAICS 11, 56)

Employers in this industry include: <i>Farmers</i> <i>Processing Plants</i>	Jobs include: <i>Equipment Operators</i> <i>Truck Drivers</i> <i>Graders and Sorters</i> <i>Welders</i> <i>Mechanics</i>
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Construction (NAICS 23)

Employers in this industry include: <i>Residential and Nonresidential building construction</i>	Jobs include: <i>Carpenters</i> <i>Construction Laborers</i> <i>Maintenance and Repair Workers</i> <i>Electricians</i> <i>Plumbers, Pipefitters</i> <i>Welders, Cutters</i>
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