

VI WORKFORCE DEVELOPMENT BOARD POLICY DOCUMENT

Workforce System Guidance WIOA 404-21

TO: WIOA Grant Recipients; Administrative Entities; One-Stop Partners

SUBJECT: **RAPID RESPONSE ACTIVITIES; LAYOFF AVERSION ASSISTANCE**

DATE: July 26, 2021

References:

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- United States Department of Labor, Workforce Innovation and Opportunity Act; Final Rule, 20 CFR, Part 682 Subpart C, Rapid Response Activities
- Training and Employment Notice No. 03-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*

Purpose: To establish general guidance for Rapid Response activities and Layoff Aversion Assistance. This policy covers the process for distribution of funding for dislocated worker services as part of Rapid Response strategies, including layoff aversion services, under the Workforce Innovation and Opportunity Act (WIOA).

Background: The Virgin Islands State Workforce Development Board (SWDB) has the responsibility for policy related to the WIOA Rapid Response funds. Each program year, a designated percentage of the Virgin Islands WIOA Dislocated Worker allotment will be reserved for Rapid Response activities.

Policy: Rapid Response is a critical economic and workforce development service intended to promote economic recovery by identifying, preparing for, and addressing layoffs and dislocations, and preventing or minimizing impacts on workers, businesses and communities. The objective of Rapid Response Teams should be to serve as many businesses as possible to engage and meet the needs of dislocated workers consistent with the WIOA Final Rule, Rapid Response systems shall contain the following:

1. Informational and direct reemployment services for workers;
2. Delivery of solutions to businesses in transition;
3. Convening, brokering, and connecting networks and partners to address the workforce needs of dislocated workers; and
4. Strategic planning, data gathering, and data analysis to anticipate, prepare for, and manage economic transition.

Rapid Response services shall be delivered when one of the following occurs:

1. A notice of permanent closure of a facility has been provided by an employer, regardless of the number of employees affected.
2. A notice of a mass layoff by an employer has occurred. A mass layoff is an event where 50 or more employees are at risk of job loss.
3. A mass job dislocation has occurred due to a natural disaster or other unforeseen event.
4. A Trade Adjustment Assistance (TAA) petition has been filed.
5. Rapid Response services should be delivered in cases where a Non-WARN layoff occurs.

The Virgin Islands will provide Rapid Response and layoff aversion services to businesses consistent with 20 CFR Subpart C, 682.320 Layoff Aversion Strategies Activities and 20 CFR Subpart C, 682.330 Required Rapid Response Activities.

The day-to-day coordination of Rapid Response services to businesses that are experiencing layoffs or closures is the responsibility of the state designated entity, the Virgin Islands Department of Labor (VIDOL). VIDOL serves as the sub-recipient of Rapid Response funds to provide Rapid Response provision of services.

VIDOL in cooperation with the Board and One Stop/Title I Operator must outline their regional layoff aversion strategy and their role in the Rapid Response. In order to apply for assistance through Rapid Response funds, the Virgin Islands does not necessarily need to have a plant closure or mass layoff event, however the application must be supported with a documented increased demand for dislocated worker services.

As part of layoff aversion, the SWDB will consider fostering strategies and implement initiatives that support upward mobility within the labor market—the promotion of skills development so workers can keep and advance in jobs in industry sectors such as manufacturing, information technology, healthcare, and transportation/logistics.

The Commissioner of Labor or his/her designee, in cooperation with the SWDB shall establish a team to address dislocated worker services. The team shall regularly review dislocation activity, including layoff aversion, in the territory to ensure the coordinated activity of the agencies and representatives that are crucial to the service of dislocated workers. These team members shall consist of:

- Rapid Response Coordinator
- Adult & Dislocated Worker State Coordinator / Title I One Stop Operator
- A representative from the state workforce development board
- A representative of the Wagner-Peyser Program
- A representative from the Virgin Islands Economic Development Authority
- A representative from the University of the Virgin Islands

On an annual basis a report will be submitted to the State Workforce Development Board and the Governor's Chief Workforce Advisor. This may be a designated Committee of the SWDB.

Mass Layoff or Plant Closure Events

Under the auspices of the SWDB Rapid Response Plan, if a mass layoff, plant closure, or similar event is pending or has occurred, the SWDB shall work with the VIDOL and WIOA Title I Operator and Rapid Response designated entity (if existing) concerning provision of Rapid Response services, including conducting activities to mitigate unemployment. Upon receipt of notification of a plant closing or substantial/mass layoff, or similar event, if such notification was provided to the Commissioner of Labor, the Rapid Response activities will commence.

The designated Rapid Response Coordinator will work with the affected company to gather information regarding the impacted population. Examples of this data collection include but are not limited to:

- Demographic details
- Job titles
- Salary information
- Education/skill levels
- Time with company
- Worker interest in accessing services and types of services most beneficial

Using this information, Rapid Response staff as designated by the Commissioner of Labor, will develop a customized plan of activities and services to be provided to impacted workers.

Services shall include onsite activities to the laid-off workers by the Rapid Response team and as permitted and appropriate by the company. Working together, Rapid Response staff and the SWDB, shall develop a leveraged resources approach that leverages WIOA Title I formula funds, territory Rapid Response funds, and other appropriate employment and training resources (both WIOA and non-WIOA funds) to fully address the needs of workers and businesses.

Application for Rapid Response Funds to supplement Virgin Islands' allocated resources shall include the following:

1. A plant closing or mass layoff "trigger event," such as a WARN notification, an emergency plant closure, an urgent nature where WARN notification was not possible, or a significant increase in the number of unemployed individuals in the area that can be documented.
2. Documentation on the types of services and level of services needed to rapidly reemploy impacted individuals, which can include types of training appropriate to address the plant closure or mass layoff.

3. The SWDB shall demonstrate a funding need beyond what the Virgin Islands' WIOA Dislocated Worker and other resources can handle for the service provision needed and apply for additional funds, if necessary, from the US Department of Labor.

Factors such as the timing of the layoffs, the size of the dislocation, the needs of the affected workers and the available funding sources, will determine how services are funded and whether an application for a National Dislocated Worker Grant should be submitted to the U.S. Department of Labor. Rapid Response funds may be used to provide the same types of career and training services permitted under the formula funded WIOA Dislocated Worker program.

- Separate fiscal and participant tracking and reporting will be required.
- Participants shall receive dual enrollment services where possible and appropriate.
- Funds awarded shall supplement, and not supplant other funding sources available to support Rapid Response related activities.

Layoff Aversion Strategies

The SWDB should utilize innovative strategies to address worker skill deficiencies to promote middle and high-skills employment in the Virgin Islands. In doing so, the Rapid Response Plan shall identify layoff aversion strategies and activities to be undertaken during the program year.

As layoff aversion opportunities are identified, the SWDB may prioritize and designate funding to undertake layoff aversion strategies. The funding guidelines shall include the following:

1. Amount of the funding request and budget narrative.
2. Identification of the population to be served and justification for serving said population.
3. Types of services and proposed outcomes.
4. Demonstration of employer support for proposed activities and services, including the business's financial support of the activities as applicable.
5. Relation to economic development initiatives in the local area.
6. Demonstration of leveraged resources, including, but not limited to, use of formula WIOA funds, other related workforce development funds, as well as private funds.

The WIOA Title I Administrator will monitor initiatives and projects for outcomes and compliance.

Inquiries: Questions should be addressed to the Workforce Development Board at sonia.boyce@dol.vi.gov
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