



POLICY ISSUANCE 2018-05

Rapid Response | August 16, 2018

- TO:** Division of Workforce Development and Adult Learning (DWDAL) staff;
Local Workforce Development Area (Local Area) staff;
Division of Unemployment (DUI) Insurance Directors of Claims and
Adjudication Centers
- FROM:** Division of Workforce Development and Adult Learning
Maryland Department of Labor, Licensing and Regulation
- Division of Unemployment Insurance
Maryland Department of Labor, Licensing and Regulation
- SUBJECT:** Rapid Response
- PURPOSE:** To provide policy guidance that supports an effective Rapid Response system designed to efficiently deliver high-quality and consistent services to employers and workers throughout the State.
- ACTION:** Local Area Directors, Labor Exchange Administrators (LEAs), DUI Central office managers and supervisors, DUI Director of Claims, DUI Adjudication Centers, and central office managers must ensure that all employees are aware of and receive copies of this policy. DWDAL policies are available on the DLLR website.
- EXPIRATION:** Until cancelled or replaced.

QUESTIONS:

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CANCELLATIONS

The following are hereby cancelled, replaced, and archived by this policy issuance:

- Workforce Investment Field Instruction (WIFI) 02-01, “Application Guidelines for WIA Rapid Response Funds,” dated September 21, 2001.
- WIFI 05-06, “State and Local Rapid Response Team Responsibilities,” dated October 3, 2006;
- WIFI 05-06—Change 1, “State and Local Rapid Response Team Responsibilities,” dated March 28, 2007.

Archived policies for the Division of Workforce Development and Adult Learning are available at: <http://www.dllr.state.md.us/employment/>.

LIMITATION AND DISCLAIMER

This Rapid Response policy provides an overview of the Department's process and approach for providing Rapid Response services in Maryland. The policy does not establish any additional legal rights or remedies that are not provided under Maryland law.

GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner Peyser Act, and the Rehabilitation Act of 1973. By design, the workforce system established under WIOA is integrated to help both businesses and jobseekers. WIOA envisions connecting businesses with job seekers, through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training, and support services to succeed in the labor market. Through the American Job Centers (AJCs), WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy. Under WIOA, Rapid Response is a proactive program in which Maryland's workforce development system works collaboratively with the State's businesses and workers to minimize the impact of economic disruptions caused by layoffs and plant or business operations closings.

WHAT IS RAPID RESPONSE?

The purpose of the rapid response system is to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identify, plan for, and respond to layoffs and dislocations, and to prevent or minimize their impacts on workers, businesses, and communities. Rapid Response resources may also be proactively directed to support businesses undergoing economic stresses, to mitigate potential layoffs or closings.

Maryland's Rapid Response system provides services in four key areas:¹

1. Informational resources and direct reemployment services for workers, including but not limited to: information and support for filing unemployment insurance claims, information on the impacts of layoffs on health coverage or other benefits, information on and referral to career services, reemployment-focused workshops and services, and training;
2. Delivery of solutions to address the needs of businesses in transition, provided across the business lifecycle (expansion and contraction), including comprehensive business engagement, layoff aversion strategies and activities designed to prevent or minimize the duration of unemployment;
3. Convening, brokering, and facilitating the connections, networks and partners to ensure the ability to provide assistance to dislocated workers and their families, such as home heating assistance, legal aid, and financial advice; and
4. Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic change.

A full description of Rapid Response services is included on pages 13-14 of this document.

MARYLAND'S APPROACH TO RAPID RESPONSE

Maryland's Rapid Response system is an essential component in a comprehensive continuum of business services designed to support the health and success of the State's business community. The State's Rapid Response system

¹ The four areas are required under §20 CFR 682.300.

is committed to providing employers and workers with prompt, flexible services, regardless of company size or the number of employees being laid off. When a dislocation event of any size is identified, a Rapid Response team is immediately convened to formulate a coordinated action plan customized to meet the unique needs of the situation. Rapid Response teams work closely with businesses and employees experiencing a dislocation event to mobilize public and private resources. To minimize disruptions to businesses and workers, services may be offered onsite at the affected company or at an alternate location, and work schedules are accommodated to the extent possible. Although Maryland provides Rapid Response irrespective of company size or the number laid off, the State offers a heightened level of Rapid Response activities for larger dislocation events, defined as those impacting 25 or more employees, whereby:

1. The Dislocation Services Unit (DSU) within the Department of Labor, Licensing and Regulation (DLLR) Division of Workforce Development and Adult Learning (DWDAL) provides notification en masse to stakeholders beyond the Rapid Response team, including the DLLR Secretary and the Governor's Office, to raise awareness and leverage support; and
2. The DLLR Division of Unemployment Insurance (DUI) actively participates on the core local Rapid Response team to plan and implement coordinated support services and resources for impacted employees. The Director of Claims and Adjudications is the DUI contact point for Rapid Response questions, issues, and actions.

Rapid Response services and resources for impacted workers is covered in greater depth in the remaining sections of this policy.

DISLOCATION EVENTS

In Maryland, Rapid Response activities are provided for any dislocation event that is brought to the attention of the Rapid Response team, regardless of company size or the number of affected employees. However, the type of dislocation event does impact the federal requirements placed on employers and the role that the State workforce system plays. The following section provides details on the types of dislocation events that may occur.

WARN DISLOCATION EVENTS

Certain larger scale dislocation events are covered by the Worker Adjustment and Retraining Notification (WARN) Act of 1988. The WARN Act provides protection to workers, their families, and communities by requiring certain businesses with 100 or more full-time workers to provide notification at least 60 calendar days in advance of plant closings and dislocation events of at least 50 employees. Advance notice of larger scale dislocation events provides workers and their families with transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs, and if necessary, to enter skill training or retraining that will allow them to successfully compete in the job market.

Employers are required to provide advance notice of WARN dislocation events to: (1) State dislocated worker units (i.e., DLLR DSU); (2) Chief Elected Officials of the unit of Local Government in which the employment site is located (i.e., County Executive, County Commissioner, or Mayor); and, (3) affected employees. This notification allows for the Rapid Response team to effectively work in coordination to provide timely transitional assistance to affected employees.

Affected employees² include:

- Employees who are laid off for more than 6 months or who have their hours reduced by more than 50 percent in any 6-month period as a result of the plant closing or dislocation event;
- Employees who may reasonably be expected to experience an employment loss³ as the result of a proposed closing of plant or business operations;
- Workers who are on temporary layoff but have a reasonable expectation of recall, including employees on workers' compensation, medical, maternity, or other leave; and
- Part-time workers.

The WARN Act covers employment losses that occur over a 90-day period. An employer is required to give advance notice if they have one large layoff or a series of small layoffs, none of which would individually be covered under WARN but which add up to the number that would require a notice.

Based on federal requirements, a business' WARN to affected employees must contain:

² Employees working on temporary projects or facilities of the business who clearly understand the temporary nature of the work when hired do not factor into the threshold for a dislocation event qualifying under the WARN Act; however, these employees are entitled to receive notification at least 60 calendar days in advance of plant closings or dislocation. Additionally, these employees are welcome to participate in Rapid Response activities and information sessions.

³ Per USDOL, the term "employment loss" means: (1) An employment termination, other than a discharge for cause, voluntary departure, or retirement; (2) a layoff exceeding 6 months; or (3) a reduction in an employee's hours of work of more than 50 percent in each month of any 6-month period. Exceptions include: an employee who refuses a transfer to a different employment site within reasonable commuting distance does not experience an employment loss. An employee who accepts a transfer outside this distance within 30 days after it is offered or within 30 days after the plant closing or mass layoff, whichever is later, does not experience an employment loss. In both cases, the transfer offer must be made before the closing or layoff, there must be no more than a 6 month break in employment, and the new job must not be deemed a constructive discharge. These transfer exceptions from the "employment loss" definition apply only if the closing or layoff results from the relocation or consolidation of part or all of the employer's business.

1. The name and address of the employment site where the plant closing or dislocation event will occur and the name and telephone number of a company official to contact for further information;
2. A statement as to whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed, a statement to that effect;
3. The expected date of the first separation from employment and the anticipated schedule for making separations;
4. The job titles of positions to be affected and the names of the workers currently holding affected jobs;
5. A statement of union bumping rights (e.g. seniority preference), if any exist; and
6. The name of each union/employee representative and the name and address of the chief elected officer of each union, when applicable.

Per United States Department of Labor (USDOL) guidance, an employer who violates WARN is liable to each affected employee for an amount equal to back pay and benefits for the period of violation, up to 60 days. An employer who fails to provide notice as required to a Chief Elected Official of the Local Workforce Development Area (Local Area) or State government is subject to a civil penalty not to exceed \$500 for each day of violation. WARN violations are enforced through actions brought by an affected employee in the U.S. District Courts.

The Role of the Workforce System

Because WARN events are by definition large, impactful dislocations, the DLLR DSU must ensure that a broader audience of stakeholders are alerted to the impending event. Once alerted to a WARN, the DLLR DSU must notify core members of the local Rapid Response team covering the impacted area, including the local area workforce system Director (or designee), the Business Services Unit (BSU), and Executive leadership (i.e., DLLR Secretary, the Governor's Office, etc.).

DISLOCATION EVENTS OF 25+ AFFECTED EMPLOYEES

While more limited in scope than a WARN event, dislocations impacting 25-49 workers, can still have a significant impact. In compliance with the Code of Maryland Regulations (COMAR) 09.32.02.06, any employer with advance knowledge of an anticipated dislocation event affecting 25+ employees not qualified as a WARN must provide the DLLR DUI with advance notice of the layoff 48 hours before the beginning of the layoff event. The notice may be provided to the Assistant Secretary of DUI and must contain the following elements:

- Date of layoff;
- Reason for layoff;
- Names and Social Security Numbers⁴ of the affected employees;
- Amount and form of any pension pay to which an employee may be entitled, and whether the employee contributed to the pension;
- Amount of vacation pay, holiday pay, severance pay, or special pay each employee receives;
- Any wage continuation as defined in COMAR 09.13; and
- Each employee's last weekly or hourly pay rate.

⁴ All Personally Identifiable Information and other sensitive information must be protected in accordance with Training and Employment Guidance Letter (TEGL) 39-11.

The advance provision of this information allows for the local Rapid Response team to effectively support the business and the impacted workers. Once an employer has provided DUI with this information, DUI may adopt a modified plan for impacted employees.

For example, a modified plan may involve the DUI taking unemployment claims directly from the employer on behalf of the employees (known as “bulk claims”), or it may involve the distribution of applications to the impacted employees at offices physically located in close proximity to the employer.

DISLOCATIONS RESULTING FROM NATURAL DISASTERS

Certain dislocations resulting from natural disasters may trigger the authorization of Disaster Unemployment Assistance. The following link provides additional information on Disaster Unemployment Assistance - <https://workforcesecurity.doleta.gov/unemploy/disaster.asp>.

OTHER DISLOCATION EVENTS

Maryland has elected to provide Rapid Response support for any dislocation event brought to the attention of the local Rapid Response team, regardless of company size or the number of affected employees. To receive Rapid Response support for smaller dislocation events, an employer must provide information to the Rapid Response team in the manner prescribed by this policy.

THE RAPID RESPONSE PROCESS

MARYLAND'S RAPID RESPONSE TEAM STRUCTURE

The key roles that contribute to Maryland's Rapid Response process are summarized in the following table:

Entity	Role
American Job Center (AJC) Staff	AJC staff provide jobseekers with technical support and career services, including workshops, individualized employment services, etc. Staff must link services delivered to job seekers in/through the AJCs with the Rapid Response event established in the Maryland Workforce Exchange (MWE).
Business Solutions Unit (BSU)	The BSU operates within DWDAL's Office of Workforce Development, and is charged with managing Rapid Response activation through a team of Regional Business Solutions Consultants and supports the delivery of a coordinated Rapid Response process that connects employers and workers impacted by a dislocation event with the resources of the State's workforce development system.
Core Rapid Response Team	The Core Rapid Response Team plans and implements local Rapid Response activities. The Core Team must minimally include: the Local Area Director (or designee), the Labor Exchange Administrator (LEA) (or designee), and the BSU. A representative from DUI is a required core team member for events involving 25 or more individuals. Additional partners may be included based on the unique needs of each situation.
Core Rapid Response Team Lead	The membership of the Core Rapid Response Team Lead is determined through a collaborative process aimed at meeting the unique needs of each individual situation. The Team Lead serves as the primary point of contact for the employer and coordinates service delivery to impacted businesses and workers within a local area. The Team Lead is responsible for ensuring that required data is collected and reported, including the collection of participant data, where possible and that documentation is completed.
Dislocation Services Unit (DSU)	The DSU operates within DWDAL's Office of Workforce Development. The DSU manages notifications of employment dislocations in Maryland resulting from a variety of causes and provides fiscal, reporting and administrative oversight of Rapid Response and Trade activities.
Division of Unemployment Insurance (DUI)	The DUI is the DLLR Division charged with managing Maryland's joint state-federal program that provides unemployment insurance to eligible workers. DUI provides temporary financial assistance to qualified workers who are unemployed through no fault of their own, and are able, available, and actively seeking work. To maintain a clear line of communications between DUI and DSU, DUI's Director of Claims and Adjudications (or designee) will be the central point of contact responsible for sharing and receiving information, such as news of dislocation events.

THE RAPID RESPONSE PROCESS

Maryland's Rapid Response process is designed to ensure that employers and jobseekers throughout the State have access to consistent, high quality services effectively customized to meet their needs.

The process steps for a Rapid Response are as follows:

Step 1: A Dislocation Event Occurs

A Rapid Response can be triggered by:

- An announcement of a permanent closure via a WARN filing or other notification;
- Information related to a business at risk;
- An announcement or notification of a dislocation event;
- The filing of a Trade Adjustment Assistance (TAA) petition; *or*
- A mass job dislocation resulting from a disaster.

Step 2: A member of Maryland's workforce system partners becomes aware of the event

If individuals in any of the roles below become aware of any of the trigger conditions, they must complete the online Dislocation Event Form (located on DLLR's WARN page

at: <https://www.dllr.state.md.us/employment/warn.shtml>):

- DLLR – BSU Leadership or Staff;
- DLLR – DSU;
- DLLR – DWDAL Leadership or Staff;
- DLLR – DUI, Director of Claims and Adjudication Centers;
- Business Community Member;
- Local Workforce Development Board Leadership; and
- Local WIOA Title I Leadership or Staff.

*Data Collection/Reporting Alert - The questions included on the Dislocation Event Form are included in **Attachment A - Dislocation Event Form.***

Step 3: Initiate the Communication Process

When the Dislocation Event Form is submitted, the DSU is automatically alerted and adheres to the following protocol:

- For dislocation events involving 0 - 49 workers, the DSU notifies the Director (or designee) for the Local Area(s) impacted by the event, the BSU, the LEA (or designee), and DUI's Director of Claims and Adjudications.
- If a dislocation event meets criteria described earlier in this policy for a WARN, the DSU notifies an expanded list of stakeholders.

*Data Collection/Reporting Alert - The DSU must utilize the Dislocation Alert Form (included as **Attachment B – Dislocation Alert Template**) to ensure communications provide consistent information for the type of event involved.*

Step 4: Identify the Team Lead

The Local Area Director (or designee) and BSU reach consensus on which one will lead the coordination of the Rapid Response activities. The BSU is responsible for supporting regional coordination of services and resources.

Data Collection/Reporting Alert - The BSU creates a Rapid Response Event in the Virtual One Stop Administration Portal of MWE and communicate the Rapid Response Event Number to the person identified as the Rapid Response Team Lead.

Step 5: Organize the Rapid Response Team

Once leadership for the local Core Rapid Response Team is determined, a meeting must be convened that includes, minimally, the members of the Core Team, including the Local Area Director (or designee), the LEA (or designee) for the Local Area, and the BSU. DUI staff are required Core Team members for dislocation events involving 25+ individuals. Additional partners may also be included on the Rapid Response Team, based on the unique needs of each situation.

Step 6: Develop a Rapid Response Action Plan

The Rapid Response team works collaboratively to develop an action plan that strategically marshals and deploys coordinated workforce system services and resources to meet the needs of businesses and workers, addressing issues such as:

- What does the business want?
- What services can the system offer?
- What constraints may impact the ability to provide services, and how will the team operate within those limitations?
- Are there potential trade impacts?

Step 7: Implement the Action Plan

The Rapid Response team implements the action plan to engage with businesses and workers, providing services that may include, but are not limited to: workshops, materials, employer meetings, employee meetings, layoff aversion strategies, recruitment events, and training.

To ensure the accuracy of information shared with UI claimants, any materials used to describe UI services must be pre-approved by the DUI Director for Claims and Adjudications Centers.

Data Collection/Reporting Alert - The Team Lead and the AJC staff must ensure that the services they deliver and the participants they serve as part of the Rapid Response are linked to the correct Rapid Response Event Number in MWE.

See *Attachment C – Rapid Response Process Flow Job Aid* for a visual description of the flow of the Rapid Response process.

RAPID RESPONSE SERVICES

Rapid Response is a flexible activity designed to respond to the needs of businesses and affected workers. In accordance with 20 CFR 682.330, states must ensure that the following activities are made available via Rapid Response:

- Layoff aversion activities (See page 14 for additional details on layoff aversion);
- Immediate and on-site contact with the employer, representatives of the affected workers, and the local community, including an assessment of and plans to address the:
 - Layoff plans and schedule of the employer,
 - Background and probable assistance needs of the affected workers,
 - Reemployment prospects for workers, and
 - Available resources to meet the short and long-term assistance needs of the affected workers;
- The provision of information and access to unemployment compensation benefits and programs, such as Short-Time Compensation (known as “Work Sharing⁵” in Maryland), Pell Grants, the GI Bill, and other resources;
- The delivery of other necessary services and resources, including workshops and classes, use of worker transition centers, job fairs, and training to support reemployment efforts for affected workers;
- Partnership with the Local Area(s) and Chief Elected Official(s) to ensure a coordinated response to the dislocation event and, as needed, obtain access to State or local economic development assistance (Such coordinated response may include the development of an application for a National Dislocated Worker Grant);
- The provision of emergency assistance adapted to the particular layoff or disaster;
- As appropriate, the development of systems and processes to:
 - Identify and gather information for early warning of potential layoffs or opportunities for layoff aversion;
 - Analyze and act upon data and information on dislocations and other economic activity in the State, region, or Local Area; and
 - Track outcome and performance data and information related to the activities of the Rapid Response program;
- The development and maintenance of partnerships with other appropriate Federal, State and local agencies and officials, employer associations, technical councils, other industry business councils, labor organizations, and other public and private organizations, as applicable, in order to:
 - Conduct strategic planning activities to support dislocation events and ensure timely access to a broad range of necessary assistance; and
 - Develop mechanisms for gathering and exchanging information and data related to potential dislocations, identifying available resources, and customizing layoff aversion or rapid response activities, to provide rapid response services as early as possible.
- The assessment of Trade impacts and the delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed;
- The provision of additional assistance, as described in 20 CFR 682.350, to Local Areas that experience disasters, mass layoffs, or other 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); and

⁵ To learn more about Work Share in Maryland, visit: <http://dllr.maryland.gov/employment/worksharing>.

- The provision of guidance and financial assistance as appropriate, in establishing a labor-management committee if voluntarily agreed to by the employee's bargaining representative and management; the committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. The assistance to this committee may include:
 - The provision of training and technical assistance to members of the committee and
 - Funding the operating costs of a committee to enable it to provide advice and assistance in carrying out Rapid Response activities and in the design and delivery of WIOA-authorized services to affected workers.

In accordance with 20 CFR 682.340, other activities may be undertaken as part of Rapid Response to minimize the negative impacts of dislocation on workers, businesses, and communities and to ensure rapid reemployment for workers affected by layoffs. (NOTE: This caveat was specifically provided for by USDOL to allow for innovative approaches, to ensure additional flexibility to prepare for, respond to, and avert layoffs, and to react to unusual or unforeseeable situations. This flexibility does not, however, extend to activities otherwise prohibited under WIOA or other rules or laws.)

LAY-OFF AVERSION

In accordance with 20 CFR 682.320, layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion activities may include:

- 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, as provided by WIOA sec. 134(d)(1)(A)(ix)(II)(cc);
- 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;
- Conducting funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs;
- Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity;
- Connecting companies to: (1) short-time compensation (known as Work Share in Maryland) or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available through DUI; (2) employer loan programs for employee skill upgrading; and (3) other Federal, State, and local resources as necessary to address other business needs that cannot be funded with resources provided under this title;
- Establishing links 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;
- 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;
- 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;
- Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses; and
- Connecting businesses and workers to short-term, on-the-job, and/or customized training programs and registered apprenticeships before or after layoff to help facilitate rapid reemployment.

PERFORMANCE ACCOUNTABILITY

The Rapid Response Team Lead (or designee) is responsible for ensuring required data and documentation, including administrative details and dislocation event information, are collected. The Team Lead (or designee) must document all Rapid Response activities. DLLR requires local Rapid Response Teams to document information on dislocation events and subsequent Rapid Response activities in the MWE within 14 calendar days of activity.

After the Rapid Response activity has concluded, the Rapid Response Team Lead (or designee) must report the following Employer Services Code data into the MWE:

- Service type;
- Scheduled time;
- Actual end date;
- Completion code;
- Region;
- Office;
- Position;
- Contact type;
- Contact method;
- Contact name;
- Comments, as appropriate – e.g., “Case Notes”; and
- Participant data, when available.

For step-by-step instructions on local staff data entry requirements, see *Attachment D – How to enter Rapid Response Services in the MWE*.

Additionally, the BSU must create the Rapid Response Event in the MWE Virtual OneStop Administration portal to include:

- State-Assigned Event Number;
- Company Name;
- Worksite Location;
- Address;
- City;
- State;
- Zip Code;
- Event Begin Date;
- Event End Date;
- Event Type;
- Event Classification;
- TAA Petition Status;
- Number of Employees Affected; and
- Status.

Upon completion of Rapid Response, the BSU must work with the Rapid Response Team Lead to ensure all activities were appropriately and timely reported in the MWE.

MONITORING AND RECORD RETENTION

MONITORING

The State of Maryland acknowledges that the USDOL has the authority to monitor fiscal and/or programmatic performance related to Rapid Response.

To ensure that policies are being followed and expectations are being met, the State, local areas, and all grantees should expect DLLR to conduct monitoring.

DLLR will require prompt corrective action and technical assistance if any monitoring issues are identified. The State will take corrective action with any Rapid Response team member, including Local Area team members that are not meeting the State's expectations in terms of tracking data in the MWE and/or in fiscal and administrative reports.

RECORD RETENTION

In accordance with the Code of Federal Regulations, Maryland requires Local Areas to retain Rapid Response fiscal and programmatic records for at least three years following the date on which the final cost report charged to a program year's allotment is submitted, or until all audit and litigation issues are resolved, whichever is later. If any litigation, claim, or audit is started before the expiration of the three-year period, the records then must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action has been taken.

REFERENCES

LAW

- [Workforce Innovation and Opportunity Act](#), 29 U.S.C. §3101 et. seq (2015);
- 29 U.S. Code Chapter 23 –[Worker Adjustment and Retraining Notification Act of 1998](#);
- Maryland Code, Labor and Employment, Title 11 –[Maryland Economic Stabilization Act](#);
- Maryland Code, Labor and Employment –[Section 8-627 Separation Notices](#).

REGULATION

- 20 C.F.R. Part 652, [Establishment and Functioning of State Employment Benefits](#), USDOL;
- 20 C.F.R. Part 639, [Worker Adjustment and Retraining Notification](#), USDOL;
- 20 C.F.R. Part 682, [Statewide Activities Under Title I of WIOA](#), USDOL
- Code of Maryland Regulations (COMAR), Title 9- Department of Labor, Licensing and Regulation, Subtitle 33- Job Service, Chapter 2 – “[Economic Stabilization](#)”;
- COMAR, Title 9- Department of Labor, Licensing and Regulation, Subtitle 32- Unemployment Insurance, Chapter 1- Obligations of Employers, Part .06- “[Claims during Temporary Mass Layoffs](#)”.

U.S. DEPARTMENT OF LABOR GUIDANCE

- Training and Employment Notice (TEN) 9-12, “[Layoff Aversion in Rapid Response Systems](#)”, dated August 31, 2012;
- TEN 23-14, “[How-To-Guide for Completing a Petition for the Trade Adjustment Assistance \(TAA\) Program and Partnering with Rapid Response Teams to Improve the Quality of State-Filed Petitions](#)”, dated February 27, 2015;
- Training and Employment Guidance Letter (TEGL) 29-14, “[Workforce Innovation and Opportunity Act \(WIOA\) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year \(PY\) 2015; Final PY 2015 Allotments for the Wagner-Peyser Act Employment Service \(ES\) Program Allotments; and Workforce Information Grants to States Allotments for PY 2015](#)”, dated April 27, 2015;
- TEN 18-09, “[Pathways to Reemployment Tools and Resources](#)”, dated November 21, 2016;
- TEGL 26-14, “[Workforce Innovation and Opportunity Act Transition Authority for Flexible Use of State Rapid Response Funds](#)”, dated April 14, 2015;
- TEGL 19-16, “[Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules](#)”, dated March 1, 2017;
- TEGL 39-11, “[Guidance on the Handling and Protection of Personally Identifiable Information \(PII\)](#)”, dated June 28, 2012;
- TEN 32-11, “[Rapid Response Self-Assessment Tool](#)”, dated March 1, 2012;
- TEN 31-11, “[The Rapid Response Framework](#)”, dated March 1, 2012;
- TEN 3-10, “[The National Rapid Response Initiative](#)”, dated August 9, 2010;
- TEN 23-06, “[Upcoming Evaluation of Rapid Response Services for Dislocated Workers](#)”, dated February 27, 2007.

OTHER REFERENCE

- [WARN Act Worker’s Guide to Advance Notice of Closings and Layoffs](#);
- [WARN Act Employer’s Guide to Advance Notice of Closings and Layoffs](#);
- USDOL ETA Fact Sheet, “[The Worker Adjustment and Retraining Notification Act A Guide to Advance Notice of Closings and Layoffs](#)”;
- [WARN Advisor](#).

ATTACHMENTS

Attachment A – Dislocation Event Form

Attachment B – Dislocation Alert Template

Attachment C – Rapid Response Process Flow Job Aid

Attachment D – How to Enter a Rapid Response Service in MWE



DISLOCATION EVENT FORM

DATE OF NOTICE: [Enter the MM/DD/YEAR here]

TO: [Insert the Appropriate Distribution List]

RE: [Enter the Company Name Here] [Enter the Type of Industry Here]

LOCATON: [Enter the Company's Street Address Here]

[Enter the City Here]

[Enter the State Here]

[Enter the Zip Code Here]

CONTACT: [Enter the Company Contact Name Here]

[Enter the Company Contact Phone Number Here]

[Enter the Company Contact Email Address Here]

LAST DAY OF WORK: [Enter the MM/DD/YEAR here]

REASON FOR DISLOCATION: [Provide a brief reason for the dislocation here]

OF AFFECTED EMPLOYEES: [Provide the # of employees affected]

ARE THERE BUMPING RIGHTS: Yes

No

UNION INFORMATION: [Mark here if N/A]

[Please provide the name of union representing affected employees]

[Please provide the name and address of the chief elcted officer of each union.]

TRADE IMPACT: [Check the appropriate box below]

Yes, please explain

No

WARN STATUS: [Check the appropriate box below]

Yes, WARN was filed on [Enter the MM/DD/YEAR here]

No, WARN was not filed

WHO IS COMPLETING FORM:

Business

DLLR employee



DISLOCATION ALERT TEMPLATE

DATE OF NOTICE: [Enter the MM/DD/YEAR here]

TO: [Insert the Appropriate Distribution List]

RE: [Enter the Company Name Here] [Enter the Type of Industry Here]

LOCATON: [Enter the Company's Street Address Here]

[Enter the City Here]

[Enter the State Here]

[Enter the Zip Code Here]

CONTACT: [Enter the Company Contact Name Here]

[Enter the Company Contact Phone Number Here]

[Enter the Company Contact Email Address Here]

LAST DAY OF WORK: [Enter the MM/DD/YEAR here]

REASON FOR DISLOCATION: [Provide a brief reason for the dislocation here]

OF AFFECTED EMPLOYEES: [Provide the # of employees affected]

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[Please provide the name of union representing affected employees]

[Please provide the name and address of the chief elcted officer of each union.]

TRADE IMPACT: [Check the appropriate box below]

Yes, please explain

No

WARN Status: [Check the appropriate box below]

Yes, WARN was filed on [Enter the MM/DD/YEAR here]

No, WARN was not filed

RAPID RESPONSE PROCESS FLOW

- Filing of a TAA petition
- Announcement of notification of a dislocation event
- Information related to a business at risk becomes available
- A mass job dislocation resulting from a disaster
- Announcement of permanent closure via a WARN filing or other notification

**A
DISLOCATION
EVENT
OCCURS**



One of Maryland's Workforce System Partners becomes aware of the dislocation event.

DLLR - DSU	DLLR - BSU	Local Workforce Development Board
Local WIOA Title I Staff and Leadership	DLLR - DUI Business Community	DLLR-DWDAL Staff or Leadership

INITIATE THE COMMUNICATION PROCESS

The party who becomes aware of the dislocation event must complete the online Dislocation Event Form, located at www.dllr.state.md.us/employment/warn.shtml. The DSU is automatically alerted when the form is completed.

FOR DISLOCATIONS INVOLVING 0 – 49 WORKERS:

The DSU issues a *Dislocation Alert*, notifying the Local Workforce Area Director (or designee) and the BSU.

**DATA COLLECTION/
REPORTING
ALERT!!!**

FOR DISLOCATION EVENTS INVOLVING 50+ WORKERS:

The DSU issues a *Dislocation Alert* to notify the Local Workforce Area Director (or designee) and the BSU, as well as other required parties.

Role of Team Lead

- Serves as the primary point of contact for the employer or coordinates contact.
- Coordinates service delivery within local area.
- Ensures required data is collected and reported, and documentation is completed.

IDENTIFY THE LEAD FOR THE RAPID RESPONSE TEAM

The Director (or designee) and BSU work together to determine which party leads the Rapid Response team.



BSU coordinates regional service delivery.

**DATA COLLECTION/
REPORTING
ALERT!!!**

BSU creates a Rapid Response event in the Virtual OneStop Administration portal of MWE and communicate the Rapid Response Event # to the Rapid Response Team Lead.

ORGANIZE THE RAPID RESPONSE TEAM

Members of the local Core Rapid Response Team must minimally include: the Local Workforce Area Director (or designee), the LEA (or designee), and the BSU. DUI staff are required for events involving 25+. Additional partners may be included based on the unique needs of each situation.

DEVELOP A RAPID RESPONSE ACTION PLAN

The Rapid Response team develops an action plan to address relevant issues, such as:

- What does the business want?
- What services can the system offer?
- What constraints may impact the ability to provide services, and how will the team operate within those limitations?
- Are there potential Trade impacts?

**IMPLEMENT THE ACTION PLAN -
ENGAGE WITH BUSINESSES AND WORKERS**

Rapid Response services and activities may include, but are not limited to:



DATA COLLECTION/REPORTING ALERT!!!

The Team Lead and the AJC staff must ensure that the services they deliver and the participants they serve as part of the Rapid Response are linked to the correct Rapid Response Event # in MWE.

Acronym Key

AJC = American Job Center
 BSU = DLLR's Business Solutions Unit
 DLLR = Department of Labor, Licensing and Regulation
 DSU = DLLR's Dislocation Services Unit

DUI = DLLR's Division of Unemployment Insurance
 DWDAL = DLLR's Division of Workforce Development and Adult Learning
 LEA = Labor Exchange Administrator

MWE = Maryland Workforce Exchange
 TAA = Trade Adjustment Assistance
 WARN = Worker Adjustment and Retraining Notification

How to Enter a Rapid Response Service in MWE

Staff members who service employers can assign the “37 - Rapid Response Activities” service to them, as follows –

1. Log into your staff user account
2. Search for and open the employer account to which you'd like to assign a service



3. On the employer's account, go to the set of links above the employer's folder view, to **Staff's Profile**, then to **Case Management Profile**, then click on **Activities**



4. On the **Activities** screen click on **Service Plan**

Employer Services

Federal Employer ID: 559876543
Company Name: Largest Warehouse
Address: 9950 Eastern Boulevard
 Middle River, MD 21220

[**Add Service**]
Add Multiple Services]

Service Description	Staff Created	Scheduled Date	Actual
E90 - Referred Qualified Applicants	Mitchell, Howard		8/31/2016
E03 - Provided Job Order Assistance	Blake, Charles		7/8/2016

5. On the **Employer Services** list screen click on **Add Service**

Staff Name: Charles Blake Phone: 410-767-2101

*Service Type: E37 - Rapid Response Activities

Scheduled Date: [MM/DD/YYYY Format] Scheduled Time: [AM/PM] Actual End Date: [MM/DD/YYYY Format] Completion Code: None Selected

*Region: None Selected *Office: Office of Employment Training - Central Position: Staff Contact Type: None Selected Contact Method: None Selected Contact Name: None Selected

Comments: [Text Area]

[Add a new Case Note | Show Filter Criteria]

ID	Create Date	Subject	Actions
3432337	7/23/2015 11:21:02 AM	Employer Verification	Edit
3432350	7/23/2015 11:28:02 AM	Unable to Verify	Edit
3476034	11/9/2015 12:24:02 PM	Test Case Note	Edit

[Save] [Cancel]

6. Complete the Employer Service details screen, as follows –
 - a) **Service Type** = E37 – Rapid Response Activities [select from drop-down]
 - b) **Scheduled Date**
 - c) **Scheduled Time**
 - d) **Actual End Date**
 - e) **Completion Code** = Successful [or the appropriate code]
 - f) **Region** = [select]
 - g) **Office** = [select]
 - h) **Position** = [select]
 - i) **Contact Type** = [select]
 - j) **Contact Method** = [select]
 - k) **Contact Name** = [select]
 - l) **Comments** = [include, as appropriate; will not be included in employer’s Case Notes list]
 - m) Add a new Case Note, if desired [will be included in employer’s Case Note list]
 - n) Click on **Save**

Employer Services

Federal Employer ID: 559876543
 Company Name: Largest Warehouse
 Address: 9950 Eastern Boulevard
 Middle River, MD 21220

[Add Service | Add Multiple Services]

Service Description	Staff Created	Scheduled Date	Actual End Date	Completion Code	Action
E37 - Rapid Response Activities	Blake, Charles	0/31/2016 9:00 AM	0/31/2016	1 - Successful	View Delete

7. The Employer Services list screen returns with the newly assigned “E37 – Rapid Response Activities” service displayed at the top of the list

Authorized staff can use the above steps to assign other types of services to an employer.