

June 5, 2000

WORKFORCE INVESTMENT ACT (WIA)
STATE ADMINISTRATIVE ENTITY (SAE)
SAE INFORMATION NOTICE NO. 40-00
(SIN NO. 40-00)

SUBJECT: STATE OF NEW MEXICO RAPID RESPONSE PROCEDURE

1. **PURPOSE:** To provide direction and guidance to New Mexico Workforce Development Areas/Local Workforce Development Boards (NMWDAs/LWDBs) and WIA Subrecipients on the State of New Mexico Rapid Response process for initiating and coordinating services to dislocated workers with NMWDAs/LWDBS and Subrecipients of dislocated worker funds.
2. **BACKGROUND:** Under Sections 101(38), 112(b)(17)(A)(ii) and 134(a)(2)(A) of the WIA, states are responsible for providing Rapid Response activities. It is a required activity carried out in local areas by the State or an entity designated by the State, in conjunction with the Local Board and chief elected officials. The State must establish a Rapid Response Dislocated Worker Unit (DWU) to carry out statewide Rapid Response activities. The DWU is responsible for establishing methods by which to provide additional assistance to local areas that experience disasters, mass layoffs, plant closures or other dislocation events.

This policy establishes the procedures for statewide Rapid Response activities initiated and coordinated by DWU in conjunction with NMWDAs/LWDBs and other dislocated worker Subrecipients/Service Providers.

DISTRIBUTION:

NMWDA/LWDB and PIC Chairpersons	SAE EO Office
NMWDA/LWDB Administrative Entities	SAE/NMWDA/LWDB Legal Counsel
SAE Subrecipients	SAE SPPTA and SOPC Bureaus
NMWDA/LWDB Subrecipients	USDOL Federal Representative

3 **ACTION:** The New Mexico Department of Labor, Job Training Division acting as the State Administrative Entity (SAE) for WIA shall establish a DWU which shall be responsible for initiating and coordinating Rapid Response activities statewide in conjunction with NMDAs/LWDBs and other dislocated worker Service Providers.

A. **Requirements for Statewide Rapid Response Activities** – Statewide Rapid Response activities per section 134(2)(A) of the WIA must include:

- Provision of Rapid Response activities, carried out in local areas of the State, working in conjunction with local boards and chief elected officials in the local areas; and
- Provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or events that precipitate substantial increases in the number of unemployed individuals carried out in local areas, working in conjunction with the local boards and chief elected officials in the local areas.

1. **Coordination Responsibilities of the State Dislocated Worker Unit (DWU)**

Based on direction provided by the State Workforce Development Board, the State DWU will be responsible for organizing and implementing Rapid Response activities on a statewide basis in coordination with the NMWDAs/LWDBs. The DWU will be responsible for developing appropriate Rapid Response strategies to help avert worker dislocations (where possible) and to initiate Rapid Response activities when such dislocations occur.

The DWU Coordinator will coordinate the provision of pre-lay off services to employers and workers facing loss of jobs by working closely at the local level with local boards, other Subrecipients/Service Providers and community based organizations. In planning for any dislocation event, the local boards will have flexibility to set local policy and procedures (consistent with Federal, State and local requirements) to address the needs of dislocated workers in each local area. Local areas in coordination with the DWU shall determine what core, intensive and training services are to be offered by the One-Stop operator/partners to meet the reemployment and training needs of dislocated workers.

The State in conjunction with local Rapid Response staff shall coordinate activities between affected employers and the One Stop

Center and other Subrecipients/Service Providers to ensure the timely provision of services to dislocated workers.

Additionally, the State DWU:

- a. will provide general policy and guidance to local areas regarding Rapid Response activities;
- b. will notify local areas immediately concerning any Worker Adjustment and Retraining and Notification (WARN) Act notices received affecting their areas;
- c. will provide ongoing technical assistance on, and coordination with, WARN, Trade Adjustment Assistance Act (TAA) and related activities;
- d. will assist affected employers to complete and submit information required to be provided under the WARN Act within the time frames mandated under WIA; and
- e. will implement the provisions of the WARN Act applicable to each particular dislocation.

Under the WARN Act employers are encouraged to file WARN notices with the State DWU. In New Mexico, the State DWU shall:

- (i) Upon receipt of WARN notices, initiate action on each dislocation as appropriate. It shall be the responsibility of the State DWU to make contact with the employer within 2 (two) days of receipt of WARN notice or public announcement of layoff of 50 or more workers. An on site meeting at the employer's facility(ies) will be scheduled where permitted by the employer and where practicable. However, where an onsite meeting is not feasible, a teleconference among affected/interested parties shall be coordinated

The purpose of the initial meeting or teleconference shall be to gather pertinent information regarding the dislocation (i.e. plant closure, layoff, etc) and to share information with management about available state and local area services and resources for assisting dislocated worker to reenter the labor market. If agreed to by management and labor

representatives (where employees are represented by a collective bargaining unit) the coordination of services in conjunction with NMWDAs/LWDBS will be initiated.

- (ii) Certain basic services such as worker orientation and informational meetings will be made available immediately.
- (iii) Other services, such as Unemployment compensation insurance claims processing, registration for One Stop Services (core and intensive services and application for training services) or the establishment of labor management adjustment committees, will be coordinated as appropriate. The decision as to what services are to be offered shall be a joint decision of the affected workers, worker representatives, employers, local One Stop center staff and Service Providers.

B. Allocation of Rapid Response Funds to Local Areas - Not more than 25 percent of funds allotted to the State under section 132(b)(2)(B) for a fiscal year shall be reserved for statewide Rapid Response activities as described in section 13(a)(2)(A).

- 1. **Within state allocation** - New Mexico will allocate Rapid Response funds to local areas in the following manner:
 - a. setting aside a portion of funds for quick draw down for the provision of Rapid Response activities including pre-layoff, and;
 - b. Setting aside a portion of 25% funds to support larger dislocation events, and
 - c. Setting aside a portion of funds to procure Basic Readjustment Services statewide through qualified Service Providers.

C. Coordination of Rapid Response Activities - The provision of information and services and activities prior to any layoff will be accomplished through a partnership of state and local response initiatives as outlined in a contractual agreement between the State and WIBs.

- 1. The State DWU Coordinator will organize a Rapid Response team comprised, as dictated by the nature of the

dislocation, of individuals representing UI, TAA, NAFTA/TAA, and Wagner Peyser.

2. Grants management and planning within the DWU shall address each dislocation event as appropriate to ensure adequate funding and effective coordination to maximize the use of available resources.
3. The DWU will ensure the provision of statewide Rapid Response services following receipt of a WARN Notice. The DWU will coordinate with other entities to organize and schedule timely provision of services on-site at dislocations of 50 or more workers, and will provide (or arrange the provision of) group orientation and job search and other related workshops. The LWDBs will be responsible for addressing dislocations of 49 or less, through their local Service Provider network. The DWU will arrange coordination meetings as deemed necessary with LWIB staff and contracted Service Providers. The assistance made available to employers and dislocated workers shall include:
 - a. Early intervention with the employer, and union or employee representatives to provide and share information, develop layoff aversion strategies (if appropriate), and establish a labor management committee when feasible. The State Rapid Response Coordinator will also coordinate activities with TAA and NAFTA/TAA when the dislocation is the result of foreign competition. TAA and NAFTA/TAA representatives will provide information and petitions to employers and union officials or worker representatives.
 - b. On-site pre-layoff Rapid Response services will be directed toward emergency assistance needs of affected workers (i.e. stress management, financial counseling, etc), career/labor market information, interviewing and job search skills, etc. The assessment and the extent of the provision of core services will be determined in the strategy session with state, and local area service providers following the initial meeting with management and employee representatives. Event-based planning will allow local areas more flexibility in responding to dislocations.

- c. Dislocated worker surveys will be done at Rapid Response sessions to assess the reemployment needs of each individual and to determine specific barriers to reemployment that need to be addressed. The assessment will be based on information collected at Rapid Response meetings supplemented by individual assessments completed by the Service Provider(s) through use of standardized testing/assessment instruments administered by a licensed/accredited educational or training institution. Survey data will be used to determine service and skills training needs of each dislocated worker and to develop an appropriate Services Plan.
- d. If a particular dislocation is certified as eligible for services under TAA, the state Rapid Response Coordinator will spearhead the coordination of services among TAA/NAFTA TAA and WIA Title I to assure timely provision of core, intensive or training services and smoother transition or reentry into the workforce.

D. Required Rapid Response Activities – Rapid Response activities must include:

- 1. On-site contact with the employer, representatives of the affected workers, and the local community which may include an assessment of the:
 - a. Layoff plans and schedule of the employer;
 - b. Potential for averting the layoff(s) in consultation with State or local economic development agencies, including private sector economic development entities;
 - c. Background and probable assistance needs of the affected workers;
 - d. Reemployment prospects for workers in the local community; and
 - e. Available resources to meet the short and long-term assistance needs of the affected workers.

2. Provision of information and access to unemployment compensation benefits, comprehensive One-Stop system services, and employment and training activities including services under TAA/NAFTA TAA programs.
3. The provision of guidance and/or financial assistance in establishing a labor-management committee voluntarily agreed to by labor and management, or a workforce transition committee comprised of representatives of the employer, the affected workers and the local community. The committee may devise and oversee an implementation strategy that responds to reemployment needs of the workers. The assistance of this committee may include:
 - a. The provision of training and technical assistance to members of the committee;
 - b. 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 delivery of WIA-authorized services to affected workers. Typically such support will last no longer than six months; and
 - c. Providing a list of potential candidates to serve as a neutral chairperson of the committee.
4. The provision of emergency assistance adapted to the particular closing, layoff or disaster.
5. The provision of assistance to the local board and chief elected official(s) to develop a coordinated response to the dislocation event and, as needed, obtain access to State economic development assistance. Such coordinated response may include the development of an application for National Emergency Grant under 20 CFR part 671. (WIA secs. 101(38) and (134(a)(2)(A).)
6. Other activities.
 - a. In conjunction with other appropriate Federal, State and Local agencies and officials, employer associations, technical counsels or other industry business councils, and labor organizations, other activities may include:

- (i) Development of prospective strategies for addressing dislocation events, that ensure rapid access to the broad range of allowable assistance;
 - (ii) Identification of strategies for the aversion of layoffs; and
 - (iii) The development and maintenance of mechanisms for the regular exchange of information relating to potential dislocations, available adjustment assistance and the effectiveness of rapid response strategies.
- b. In collaboration with the appropriate State agenc(ies), collect and analyze information related to economic dislocations, including potential closings and layoffs, and all available resources in the State for dislocated workers in order to provide an adequate basis for effective program management, review and evaluation of Rapid Response and layoff aversion efforts in the State.
- c. Participation in capacity building activities, including providing information about innovative and successful strategies for serving dislocated workers, with local areas serving smaller layoffs;
- d. Assistance in devising and overseeing strategies for:
 - (i) Layoff aversion, such as prefeasibility studies of avoiding plant closure through an option for a company or group, including the workers, to purchase the plant or the company and continue it in operation;
 - (ii) Incumbent worker training, including employer loan programs for employee skill upgrading; and

- (iii) Linkage 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 recruitment activities.

- 4. **EFFECTIVE DATE**: This notice is effective July 1, 2000
- 5. **RECESSIONS**: None
- 6. **CONTACT ENTITY**: Inquiries regarding this notice shall be directed to the State Administrative Entity (SAE) State Planning, Policy and Technical Assistance (SPPTA) Bureau in Santa Fe at (505) 827-6827.

CLINTON D. HARDEN, JR.
Secretary