



Workforce Innovation and Opportunity Act (WIOA) Title I Policy

Subject: Access to Layoff Assistance

Publish Date: February 24, 2020

New Policy Revised Policy

Overview

Under the Workforce Innovation and Opportunity Act (WIOA), the State may reserve up to 25 percent of the WIOA Title I Dislocated Worker allocation to carry out activities related to Rapid Response, including layoff aversion. The reserve ensures that Local Workforce Development Boards (LWDBs) can access Layoff Assistance funds to pay for services in response to dislocation events for which there are not adequate local WIOA Title I Dislocated Worker funds available to assist the dislocated workers.

Policy Statement

Layoff Assistance includes:

- Rapid Response
- Additional Assistance projects
- Gap Fill projects

Rapid Response

The provision of services designed to assist people affected by a mass layoff, permanent site closure, natural or other disaster or Trade Adjustment Assistance petition filing. Recipients of services through a Rapid Response event are not required to be enrolled in WIOA. LWDBs budget a portion of their WIOA Dislocated Worker formula funding to support a local area Rapid Response Team whose responsibilities include response to local layoff events. State staff are available to assist or support LWDBs as requested.

LWDBs may also request Rapid Response funds to reimburse the LWDB for costs associated with pre-layoff services which do not require participant enrollment into WIOA. Rapid Response funds may be accessed for reimbursement of the costs associated with the following activities:

- Staff time to meet on-site with employers and employee representatives.
- Planning, developing and delivering on-site pre-layoff services, including transition teams and costs for necessary materials.

The purpose of Rapid Response funds is not the provision of one-time orientations or information sessions to a group of workers. In the event of extenuating circumstances, a funding request that includes the provision of this type of one-time direct service to affected workers may be considered for funding.

Additional Assistance

There are two types of Additional Assistance projects for which funds may be requested and used:

- **Additional Assistance Grants**

Awarded and considered on a case-by-case basis to address layoffs or closures that do not meet the threshold of a National Dislocated Worker Grant (DWG) application or where the DWG application has been denied, but for which adequate LWDB Dislocated Worker funding is not available. Participants must be enrolled in both WIOA and the grant and the project must be set up and tracked in the WIOA Title IB participant tracking system. Additional Assistance grants will be funded for four quarters and will be awarded on a quarterly basis. Extensions to this grant period are at the discretion of the Director, Office of Workforce Investment (OWI).

- **Layoff Aversion Projects**

Awarded and considered on a case-by-case basis to assist a LWDB with early intervention to avoid or reduce layoffs or prevent closure. The provision of layoff aversion project services does not require enrollment in WIOA.

Additional Assistance grants will not be awarded to replenish formula fund short-falls or fluctuations in dislocated worker formula funds, nor will they be made available to offset funding shortfalls because of participant carry-in from one program year to the next. The State requires a LWDB have at least 80 percent of their Dislocated Worker formula fund allocation obligated by the end of the first grant year for which the Additional Assistance grant is being considered; failure to meet this requirement will not result in automatic disapproval but may be used as a consideration for future funding determinations.

Gap Fill Projects

LWDBs that have applied for a DWG may request Gap Fill funding to provide the intended DWG services while waiting for the grant to be approved and funded. When the DWG is awarded, Gap Fill funds must be returned to the State in full. Gap Fill funds will be awarded on a quarterly basis and are limited to four quarters' funding. Participants must be enrolled in both WIOA and the Gap Fill project, and the project must be set up and tracked as a fund in the WIOA Title IB participant tracking system. If the DWG application is denied the project may be converted to an Additional Assistance grant, and then follows the rules and processes of an Additional Assistance grant.

Reporting Requirements

In addition to required financial reports, the LWDB must submit to the OWI Point of Contact (electronically) quarterly program reports for each funded project or grant. Reports are due within 30 days after the end of the calendar quarter, using the Quarterly Status Report Form (Attachment B).

LWDBs must also submit a final report to the OWI Point of Contact within 45 days after the end of the calendar quarter in which the project or grant ends. In addition to information requested on the Quarterly Status Report Form, the final report narrative must include the following:

- **Project Overview Summary** – Briefly describe what was accomplished with the project funding, including any unexpected opportunities or obstacles. If applicable, explain any discrepancies between what was proposed and what was accomplished.

- Acknowledgments, best practices, lessons learned and/or recommendations.
- Optional: Pictures and quotes from participants/business with executed releases.

Required Action

Rapid Response – Request for Funding

The process to request Rapid Response funding or reimbursement is as follows:

- LWDBs must submit a written request (email is acceptable) to their OWI Point of Contact which must include the following:
 - The name of the company and location of the affected site.
 - The number of workers affected and the date of closure or schedule of layoffs.
 - Identification of the pre-layoff services that were provided, the costs, and the dates the services were provided.
 - The availability of leveraged resources from the company or the community.
- The Dislocated Worker Unit will approve and recommend for funding or deny the request and notify the LWDB within 30 days.
- If denied, an explanation will be provided. A LWDB may appeal the decision to the OWI Director, whose decision will be final.

Additional Assistance – Request for Funding

The process to request Additional Assistance project funding is as follows:

- LWDB completes the Additional Assistance Request Form, including any required supporting documents noted for the project type (Attachment A-Excel Workbook).
- Submit the request electronically to their OWI Point of Contact.
- The Dislocated Worker Unit will conduct an initial review of the request and, if necessary, request a phone conference.
- The Dislocated Worker Unit will approve and recommend for funding or deny the request and notify the LWDB within 30 days.
- If denied, an explanation will be provided. A LWDB may appeal the decision to the OWI Director, whose decision will be final.

Gap Fill – Request for Funding

The process to request Gap Fill funding is as follows:

- LWDB completes the Additional Assistance Request Form, including any required supporting documents noted for the project type and a description why Gap Fill funds are necessary (Attachment A-Excel Workbook).
- LWDB must acknowledge that Gap Fill funds must be returned to the State in full upon approval of Federal funding.

- Attach a copy of the DWG application submitted to the U.S. Department of Labor.
- Submit the request electronically to their OWI Point of Contact.
- The Dislocated Worker Unit will conduct an initial review of the request and, if necessary, request a phone conference.
- The Dislocated Worker Unit will approve and recommend for funding or deny the request and notify the LWDB within 30 days.
- If denied, an explanation will be provided. A LWDB may appeal the decision to the OWI Director, whose decision will be final.

Contact

Questions are to be referred to hecc.owi-workforce-policy@hecc.oregon.gov.

(updated 6/15/2020)

Attachments

- Attachment A – Layoff Assistance Request Form
- Attachment B –Quarterly Status Report Form

References

State

- Glossary for Workforce and Fiscal Policies

Federal

- WIOA Public Law Section 133(a)(2)
- WIOA Public Law Section 133(c)
- 20 CFR 682.300 through 370
- Training and Employment Guidance Letter No. 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and Wagner-Peyser Act Employment Service, as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules