

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



Workforce Innovation and Opportunity Act (WIOA) Policy Manual

Chapter 2 - Section 900

Subject: Rapid Response

900 Background and Purpose

The purpose of Rapid Response is to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, and responding to layoffs and dislocations, and by preventing or minimizing the impacts of such on workers, businesses, and communities as described in [20 CFR § 682.300\(b\)](#).

Rapid Response offers assistance and services to workers affected by layoffs, business closures, or job loss, due to natural or other disasters, resulting in mass job dislocations, as well as proactively mitigating potential layoffs or closings with layoff aversion strategies. Rapid Response services promote economic development and vitality, while delivering crucial services to workers and businesses in transition.

In Arizona, Rapid Response activities are cooperatively delivered by the Arizona Department of Economic Security (DES), the 12 Local Workforce Development Boards (LWDBs) and other ARIZONA@WORK system partner programs. The DES Division of Employment and Rehabilitation Services (DERS), as the State grant recipient for Title I funds, is the entity responsible for establishing and maintaining a State Rapid Response unit, pursuant to [20 CFR § 682.310\(b\)](#). LWDBs must develop policies and procedures to address delegated or assigned local Rapid Response activities.

901 Authority

- Workforce Innovation and Opportunity Act (WIOA) of 2014 (P.L 113-128);
- [20 CFR Part 682 Subpart C](#);
- Training and Employment Guidance Letters (TEGLs) [19-16](#) and [12-19, Change 1](#); and
- Training and Employment Notices (TENs) [03-10](#) and [09-12](#).



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902 Applicability

This section provides policy for DES staff, LWDBs, and service providers regarding the standards of the WIOA related to Rapid Response activities.

903 Acronyms

- Arizona Department of Economic Security (DES)
- Customized Training (CT)
- Dislocated Worker Grant (DWG)
- Division of Employment and Rehabilitation Services (DERS)
- Incumbent Worker Training (IWT)
- Local Workforce Development Area (LWDA)
- Local Workforce Development Board (LWDB)
- On-the-Job Training (OJT)
- Registered Apprenticeship Program (RAP)
- Related Technical Instruction (RTI)
- Trade Adjustment Assistance (TAA)
- U.S. Department of Labor (DOL)
- Work-Based Learning (WBL)
- Worker Adjustment and Retraining Notification (WARN)
- Workforce Innovation and Opportunity Act (WIOA)

904 Composition of the Rapid Response Event Team

- A. State Rapid Response representatives who provide coordination of event team members, in partnership with the Local Rapid Response Coordinator, and maintain the Rapid Response information on the DES website.
- B. LWDB staff, including local representatives of the WIOA Title I programs and service providers, who are designated to serve on the Rapid Response event team for dislocation events that affect workers in their LWDA who ensure that all appropriate enrollments for services for affected workers under Title I are entered in the system of record.

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- C. Employment Service (Wagner-Peyser) representatives, who provide services to employers and job seekers and ensure that all appropriate Employment Service enrollments and services for affected workers are entered in the system of record.
- C. Unemployment Insurance Benefits program representatives.
- D. Trade Adjustment Assistance (TAA) staff (if applicable).
- E. Registered Apprenticeship staff (if applicable).
- F. Labor organizations representing affected workers (if applicable).
- G. Other ARIZONA@WORK partners and other community partners identified by the local staff, as needed, to provide assistance for the specific event.

905 Dislocation Events to Trigger Rapid Response Services and Notice

The following describes how the State Rapid Response team is informed of dislocation events, or potential dislocation events, to initiate the process for receiving Rapid Response services.

01. Worker Adjustment and Retraining Notification (WARN) Act

The Worker Adjustment and Retraining Notification (WARN) Act requires employers covered by the Act (covered employers) to provide 60 calendar days advance notice of certain events, such as plant closures or mass layoffs, to affected workers, employee representatives, the State Rapid Response Coordinator, and appropriate units of local government.

Arizona adheres to the federal WARN guidelines found in [20 CFR Part 639](#).

- A. Employers are covered by WARN if they:
 - 1. Are private, for-profit or nonprofit entities; or

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2. Are public or quasi-public entities that operate in a commercial context and are separate from the regular government; and
 3. Employ 100 or more employees, or are laying off at least 50 workers at a single site, not counting employees who:
 - a. Worked less than six months in the previous 12 months;
 - b. Work an average of less than 20 hours per week;
 - c. Retire, resign, or are terminated for cause; or
 - d. Are offered a transfer to another site of employment within a reasonable commuting distance, if:
 - i. The closing or layoff results from a relocation or consolidation of all or part of the employer's business;
 - ii. The transfer involves no more than a six-month break in employment; and
 - iii. The worker accepts the offer within 30 days of the offer, the closing, or the layoff, whichever is later.
- B. Employees entitled to a WARN may be hourly or salaried workers.
- C. Employees who are not protected by WARN, and who are not entitled to a WARN notice, are as follows:
1. Workers on a labor strike or who have been locked out in a labor dispute;
 2. Temporary workers who clearly understand the temporary nature of the work for which they were hired;

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3. Business partners, consultants, or contracted employees who are paid by another employer or who are self-employed; and
 4. Regular federal, State, or local government employees.
- D. The employer must provide a WARN notice to:
1. The State Rapid Response Coordinator, as directed on DES' [WARN Act Notices and Local Layoff Alerts](#) webpage;
 2. The Chief Elected Official of the unit of local government, which is the chairperson of the local government in the LWDA where the employment site is located;
 3. The chief or lead elected officer of the representative(s) or bargaining agency(ies) of affected workers, or potentially affected workers; and
 4. Individual workers, who are not represented by a bargaining agency and who may reasonably be expected to experience an employment loss, including workers who may lose their employment due to "bumping" or displacement by other workers.
- E. The WARN must include the following information:
1. The business name and the address of the employment site where the plant closure or mass layoff will occur;
 2. The corporate or company name and address, if different from the employment site;
 3. The name, email address, and phone number of a company official to contact for further information;
 4. 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;

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5. The expected date of the first separation and, if applicable, the anticipated schedule for making separations;
 6. The job titles of positions to be affected, and the number of affected employees in each job title;
 7. An indication as to whether or not bumping rights exist;
 8. The name of each union representing affected employees, and the name and address of the chief elected officer of each union, if applicable.
- F. Any reasonable method of delivery to ensure receipt 60 calendar days prior to a closure or layoff is acceptable. Notice may be given conditionally, upon the occurrence or non-occurrence of a dislocation event, only when the dislocation event is definite and its occurrence or non-occurrence will result in a covered employment action less than 60 calendar days after the dislocation event.
- G. The State Rapid Response Coordinator is responsible for the following:
1. Ensuring that WARNs and non-WARNs are entered into the State's system of record within three business days of receipt;
 2. Ensuring that the Rapid Response program inbox and WARN submission platform are maintained and monitored, for employers to submit notifications of dislocation events; and
 3. Creating and managing reports of Rapid Response activities and dislocation events in the LWDBs.

02. Non-WARN Dislocations

Employers experiencing closures or layoffs who do not meet WARN requirements may voluntarily choose to report such closures or layoffs to the State Rapid Response Coordinator or to the LWDB Rapid Response



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Coordinator. Rapid Response services must be offered, regardless of the employer’s size or the number of workers affected, when an employer voluntarily reports closures or layoffs to the State or Local Rapid Response Coordinator.

03. Disasters

Any employer experiencing a closure or mass layoff due to natural or other disasters may seek Rapid Response services from the State or Local Rapid Response Coordinator.

04. Layoff Aversion Events

Employers seeking strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs may send a request for layoff aversion assistance, as directed on DES’ [WARN Act Notices and Local Layoff Alerts](#) webpage.

05. Trade Adjustment Assistance (TAA) Dislocation Events

The Trade Act of 1974 established the TAA Program, to assist workers who have been laid off or whose jobs have been threatened by foreign trade or competition (trade-affected workers). An employer who is experiencing a dislocation, for whom there has been or are plans to submit a TAA petition to the U.S. Department of Labor (DOL), may also contact the State Rapid Response Coordinator for services.

906 Stages of Rapid Response

In order to conduct layoff aversion activities, or to prepare for and respond to dislocation events, State and/or Local Rapid Response teams may devise strategies or conduct activities that are intended to minimize the negative impacts of dislocation on workers, businesses, and communities, and to ensure that workers impacted by dislocations are able to be reemployed as quickly as possible.

The State and Local teams will work together to determine the appropriate team to take the lead to provide Rapid Response services for dislocation events,

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based on the circumstances of the layoff and the capacity of the LWDB to meet the need.

Such activities include, but are not limited to:

- A. Connecting employers and workers with short-term, customized, incumbent worker training, apprenticeships, or other training, before or after layoff, to ensure appropriate skills for new employment;
- B. Facilitation of incumbent worker training for eligible workers based on State or local policy (see the WIOA Title I-B Training Services Policy, located on the [Title I-B Policy and Procedure Manual](#) webpage);
- C. Identification of heavily concentrated industries and sectors, and related training needs in a geographic area;
- D. Proactive measures, such as business visitation or layoff forecasting programs, to identify indicators of potential economic transition and training needs in growing industry sectors or expanding businesses;
- E. Talent transfer events or reemployment boot camps that will connect employers in growing industries or sectors with available talent;
- F. Effective partnerships with a wide range of organizations, to support allowable strategies and activities;
- G. Collection of data and intelligence related to economic transition trends within industries, communities, or at specific employers, and planning strategies for intervention;
- H. Development of an early warning network and system using data and intelligence gathered; and
- I. Provision of additional assistance, per [20 CFR § 682.350](#).

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01. Layoff Aversion Activities

Pursuant to [20 CFR § 682.330\(a\)](#), DES, as the State Workforce Agency, must ensure Rapid Response resources are available to proactively support employers and to mitigate potential closures and layoffs, as applicable. Such activities may include the following:

- A. Early identification of employers at risk of closures and layoffs, assessment of the needs of and options for at-risk employers, and the delivery of services to address these needs;
- B. Continuing engagement, partnership, and relationship-building activities with businesses in the community;
- C. Funding feasibility studies to determine if a company's operations may be sustained through a buyout or through other means to avoid or minimize layoffs;
- D. Connecting employers and workers with Work-Based Learning (WBL), in compliance with the requirements set forth in the WIOA Training Services Policy, (found on the [Title I-B Policy and Procedure Manual](#) webpage) which are as follows:
 1. On-the-Job Training (OJT): OJT, as described in [20 CFR § 680.700](#) and the WIOA Training Services (found on the [Title I-B Policy and Procedure Manual](#) webpage), is training provided under a contract with an employer who is reimbursed a percentage of the wage rate of the participant being trained while engaged in productive work in a job, and will be made available to workers affected by dislocations, as appropriate.
 2. Registered Apprenticeship Program (RAP): RAPs, as described in the WIOA Training Services (found on the [Title I-B Policy and Procedure Manual](#) webpage), are an industry-driven system of employment, OJT, and related technical instruction (RTI), and will be made available to workers affected by dislocations, as appropriate.

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3. Incumbent Worker Training (IWT): As described in WIOA Training Services (found on the [Title I-B Policy and Procedure Manual](#) webpage), IWT is designed to meet the special needs of an employer, or a group of employers, to retain a skilled workforce or to avert the need to lay off employees, by helping workers gain skills needed to retain employment and by increasing the occupational competitiveness of the employee or the employer. IWT will be made available to workers affected by dislocations, as appropriate.
4. Customized Training (CT): CT, as described in the WIOA Training Services (found on the [Title I-B Policy and Procedure Manual](#) webpage), is training activity:
 - a. Designed to meet the specific needs of an employer or a group of employers;
 - b. Conducted with a commitment to employing an individual upon the successful completion of the program;
 - c. For which the employer agrees to pay a significant portion of the training cost; and
 - d. Made available to workers affected by dislocations, as appropriate.
- E. Connecting companies to:
 1. Short-term compensation (known in Arizona as the *Shared Work Program*) or other programs designed to prevent layoffs or to quickly reemploy dislocated workers;
 2. Employer loan programs for employee skill upgrading; and
 3. Other federal, State, and local resources necessary to address business needs that cannot be funded with Rapid Response funds.

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- F. Establishing linkages with economic development activities at the federal, State, and local levels, including U.S. Department of Commerce programs and available State and local business retention and expansion activities;
- G. Partnering or contracting with business-focused organizations to assess risks to companies, propose strategies to address those risks, implement services, and measure the impacts of services delivered;
- H. Conducting analyses of the suppliers of an affected company, to assess the suppliers' risks and vulnerabilities from a potential closing or a shift in production of their major customer (the affected company); and
- I. Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses.

02. Immediate Employer Contact

After notice of a dislocation event, the State or Local Rapid Response Coordinator, depending on which is leading the event response, will contact the employer and employee representatives (if applicable) within two business days to:

- A. Verify the details of the closure or layoff;
- B. Provide information to the employer about Rapid Response activities, to include information on unemployment insurance benefits and the Shared Work Program; and
- C. Invite the employer to meet with the Rapid Response Event Team to establish a plan to carry out Rapid Response activities to the affected workers.



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03. Initial Employer Meeting

Once the employer is engaged, the initial meeting of the Rapid Response Event Team, employer, and employee representatives will take place as soon as possible. The State or Local Rapid Response Coordinator, depending on which is leading the event response, will ensure that the local labor representative, when applicable, is included in the initial meeting. The initial contact meeting will provide information and a discussion of:

- A. Available programs, service providers, and resources in the LWDA, to meet the short-term and long-term assistance needs of the affected workers, including:
 1. Unemployment Insurance;
 2. Reemployment Services;
 3. Job Training, which includes Work-Based Learning, as described in Section 906.01.D;
 4. TAA;
 5. Financial counseling; and
 6. Federal and State emergency management agencies, if the dislocation is due to a disaster.
- B. Rapid Response content, format, and benefits to the employer and affected workers;
- C. An assessment of the employer's layoff plan and schedule;
- D. Identification of the affected workers, their current wage scale, occupations, skill levels, and length of service;
- E. Benefits provided by the employer to the affected workers, e.g., severance pay, health insurance and other employee benefits, job development, job search activities, and relocation or reemployment opportunities;

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- F. Projected assistance needs of the affected workers;
- G. Reemployment prospects for workers in the local community; and
- H. The potential for averting the layoff or closure, which may be discussed in consultation with State or local economic development agencies, including local chambers of commerce.

04. Information Sessions for Affected Workers

When possible, after the initial meeting with the employer, the Rapid Response Event Team will hold information sessions with the affected employees to provide, at a minimum, information and contacts for the following services:

- A. Unemployment Insurance Benefits;
- B. Continuation of health insurance through the Consolidated Omnibus Budget Reconciliation Act, when applicable and when information is available to the event team;
- C. Employers currently hiring in the LWDA;
- D. Training and supportive services available through Title I of WIOA;
- E. TAA services, if applicable;
- F. Services available for veterans, including services available through the Jobs for Veterans State Grants and the GI Bill;
- G. Federal and State emergency management agencies, if the dislocation is due to a disaster; and
- H. Services available in the community to meet basic needs, including:
 - 1. Financial Counseling;
 - 2. Emergency Rental Assistance Program;
 - 3. Utility Assistance;



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4. Supplemental Nutrition Assistance Program;
5. Temporary Assistance for Needy Families; and
6. Other emergency assistance.

907 Additional Rapid Response Services To Be Made Available

The following services are to be made available by the State or Local Rapid Response team (depending on which is leading the event response) as part of layoff aversion and dislocation events, based on the needs of the employers and affected workers.

01. Professional Outplacement Team

A professional outplacement team is to be coordinated by the State or Local Rapid Response Coordinator, using resources from all partners, to support the reemployment efforts of affected workers, as appropriate. These services may be provided by a third-party vendor, as applicable and as determined appropriate by the State and Local Rapid Response Coordinators. The following services may be provided virtually, by phone, or in person:

- A. Assessments to identify the transferable skills of the affected workers.
- B. One-on-one services between Employment Specialists and affected workers to assist with career guidance, job match, and referral to employers in the system to meet the specific needs of the worker.
- C. Workshops, such as employment skills, resume writing, and job readiness.
- D. Referrals to partners to provide job loss/grief counseling.
- E. Follow-up assistance for those affected and placed in new employment.

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F. Coordination and referral to ARIZONA@WORK partners and other resources.

02. Work-Based Learning

WBL, as described in [20 CFR Part 680 Subpart F](#), the WIOA Training Services (found on the [Title I-B Policy and Procedure Manual](#) webpage), and Section 906.01.D of this policy, are valuable business engagement activities which are to be made available via the local ARIZONA@WORK system as a Rapid Response service for any layoff aversion and any dislocation event.

03. Transition Centers

A. Transition centers are fully equipped and staffed “mini job centers” with computers, a copier, and resource information, as needed, for preparing a job search. A transition center may be onsite at the employer’s location or in a building convenient to the affected employees.

B. The State Rapid Response team must be consulted prior to committing to set up a transition center. Many factors must be considered, such as the:

1. Geographic proximity of the company to an ARIZONA@WORK Job Center;
2. Capacity (size, staffing, capability of staff) of the existing ARIZONA@WORK Job Center in closest proximity to the location of the dislocation;
3. Size and impact of the dislocation (usually 100 or more impacted);
4. Availability of local and State funds, and whether it is cost-effective; and

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5. Likelihood of reemployment by the affected workers, in the same or similar occupations, with little or no need for services.

04. Upskilling

Upskilling is the process of identifying skills gaps, and then elevating the skills and knowledge to a new level by acquiring new soft skills, competencies, and certifications. Upskilling may be provided, through WBL activities, and using IWT for a layoff aversion activity, to affected workers through partnerships with local community colleges to meet the in-demand occupation and credential needs for employers.

05. Reskilling

Reskilling is the process of learning needed to engage in an entirely different job, for those affected workers who must find new careers as their jobs are no longer in-demand. Reskilling may be provided, through WBL, and using IWT for a layoff aversion activity, via partnerships with LWDBs, employers, local community colleges, or training providers on the State Eligible Training Provider List (ETPL), to meet the in-demand occupation and credential needs for employers.

06. Community Transition Teams

Rapid Response Event teams may provide guidance and/or financial assistance to establish local community transition teams, to assist the impacted community in organizing support for dislocated workers, and in meeting the basic needs of their families. Such assistance may include, but is not limited to, providing heat, shelter, food, clothing, and other necessities and services that are beyond the resources and ability of the ARIZONA@WORK partners to provide.

908 Coordination with the Trade Adjustment Assistance Team

If it appears that a dislocation event is due to the employer’s inability to compete with foreign imports, or because the employer is outsourcing jobs to another



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country, the State TAA Coordinator will be notified and asked to participate as part of the Rapid Response Event Team.

909 Other Coordination Activities

- A. Affected workers, whose assessment indicates a need for adult or dislocated services, are to be assessed for eligibility determination (see Section 100 of the [WIOA Policy Manual](#), Adult and Dislocated Worker Program Registration, Eligibility, Enrollment, and Tracking Eligibility Policy) and possible enrollment into adult and dislocated worker services for services deemed appropriate through assessment by the LWDB service provider, pursuant to LWDB policies.
- B. The State or Local Rapid Response Coordinator identifies and coordinates with local community resources, (e.g., rental, utility, and food assistance) to provide services, as determined to be needed.

910 Data Collection and Performance

The State or Local Rapid Response Coordinator, if applicable, is responsible for ensuring the timely entry of Rapid Response services into the State system of record, to ensure accuracy in the reports submitted to DOL. Data must be validated for any participant enrolled in Rapid Response Service, in compliance with DES DERS Data Validation Title I policy (located on the [Title I-B Policy and Procedure Manual](#) webpage).

911 National Dislocated Worker Grants

As described in [TEGL 12-19, Change 1](#), *National Dislocated Worker Grant Program Guidance*, National Dislocated Worker Grants (DWGs) temporarily expand training and employment services to dislocated workers, including military service members, by providing additional funding when unexpected economic events or a natural disaster cause significant job losses, with a purpose to reemploy laid-off workers and to enhance their employability and earnings.



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- A. Disaster Recovery DWGs are time-limited grants which provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts when an area impacted by a disaster is declared eligible for public assistance from the Federal Emergency Management Agency (FEMA), or from another recognized federal agency with authority or jurisdiction over federal responses to the emergency or disaster.
 - 1. Only states, outlying areas, and Indian tribal governments are eligible to receive Disaster Recovery DWGs. States may sub-grant the awards to LWDBs.
 - 2. LWDBs whose LWDA has been impacted by a disaster may submit a request to DES to apply for a Disaster Recovery DWG by providing the required information listed in [TEGL 12-19, Change 1](#).
- B. Employment Recovery DWGs provide resources to respond to major economic dislocations, such as large, unexpected layoffs that cause significant job losses.
 - 1. Eligible applicants include states and LWDBs.
 - 2. Pursuant to [TEGL 12-19, Change 1](#), LWDBs who apply for a Employee Recovery DWG must work collaboratively with DES, as the State workforce agency, to ensure coordination with the State’s Rapid Response activities.

912 LWDB Access to Rapid Response Funding

01. Annual Allotment

Pursuant to [Section 134\(a\)\(2\) of the WIOA](#) and [20 CFR § 683.120\(f\)](#), the State may reserve up to 25 percent of the dislocated worker funds allocated, pursuant to [Section 132\(b\)\(2\)\(B\)](#). Pursuant to the Workforce Arizona Council’s [Funding Allocation Policy](#), the Council votes annually on whether to hold Rapid Response funding at the State level or provide

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Rapid Response funding to the LWDBs. DES distributes a portion of these funds to LWDBs annually, to facilitate further capacity building for Rapid Response activities, and to meet the needs of the communities served through each LWDA, providing immediate access to LWDA to plan and conduct Rapid Response events.

Funds that remain unobligated at the end of the year are recaptured by DES and are reallocated to LWDBs who expend their first year Rapid Response funds. These reallocated funds may be used for Rapid Response activities pursuant to [20 CFR Part 682 Subpart C](#), in addition to statewide activities described in [20 CFR Part Subpart B](#), as permitted pursuant to [20 CFR § 682.370](#).

02. Additional Requests

LWDBs may request Rapid Response funds for any of the following activities:

- Rapid Response services to a local dislocation event;
- Layoff Aversion assistance;
- Direct services to participants; and
- Demonstration or pilot projects, with additional approval by DES.

The State Rapid Response Coordinator will consult with the DES fiscal team, to review requests received from LWDBs and to provide a determination regarding the request for funds, no later than three business days from the date of receipt. The LWDB may be requested to utilize other allowable funds to support the request until reimbursement can be provided by DES. Information on how LWDBs may request funding is found in Exhibit 900A - LWDB Request For Rapid Response Funding (located on the [Title I-B Policy and Procedure Manual](#) webpage).



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913 Rapid Response Monitoring

01. State and Local Rapid Response Activities

To ensure that policies are being followed and that expectations are being met, DES, as the State grant recipient of Title I funds, conducts program and fiscal monitoring related to Rapid Response activities. The DES monitoring teams will require prompt, corrective action and technical assistance if any monitoring issues are identified. The DES monitoring team will require the corrective action of State and Local Rapid Response teams that are not meeting the State's expectations in performing their responsibilities, as defined in this policy.

02. Service Providers

LWDBs are required to follow their own established monitoring policies and procedures to monitor service providers who are receiving Rapid Response funds.