

**Rapid Response | January 15, 2025**

**TO:** Division of Workforce Development and Adult Learning (DWDAL) staff, Local Workforce Development Area (Local Area) directors, Maryland Division of Unemployment (MDUI) Staff

**FROM:** DWDAL, Maryland Department of Labor (MD Labor); and MDUI, MD Labor

**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, American Job Center (AJC) Reemployment Program Directors, MDUI Central office managers and supervisors, MDUI Reemployment, Workshare and Trade Program Manager, MDUI Adjudication Centers, and DWDAL central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available on the [MD Labor website](#).

**EXPIRATION:** Until cancelled or replaced.

**QUESTIONS:**

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# GENERAL INFORMATION

## WORKFORCE INNOVATION & OPPORTUNITY ACT

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 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. To help both businesses and job seekers meet their needs, the workforce system established under WIOA is integrated by design. 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 by 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 demands 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 or to mitigate potential layoffs or closings.

Maryland's Rapid Response system provides services in four key areas:<sup>1</sup>

1. Informational resources and direct reemployment services for workers, including but not limited to: information and support for filing Unemployment Insurance (UI) 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 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 8-10 of this document.

## MARYLAND'S APPROACH TO RAPID RESPONSE

The State's Rapid Response system is an essential component of business and worker services designed to support the health and economic success of Maryland. It provides employers and workers with prompt, flexible services, regardless of company size or the number of employees facing a layoff. When a dislocation event is identified, a

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<sup>1</sup> The four areas are required under §20 CFR 682.300

Rapid Response team is convened to formulate a coordinated and customized action plan 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, at an alternate location, or virtually if able, and work schedules are accommodated to the extent possible.

# 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 and/or State 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.

## FEDERAL WARN DISLOCATION EVENTS

Certain larger scale dislocation events are covered by the federal 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., MD Labor 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 employees<sup>2</sup> include:

1. 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 closure or dislocation event;
2. Employees who may reasonably be expected to experience an employment loss<sup>3</sup> as the result of a proposed closing of plant or business operations;
3. Workers who are on temporary layoff but have a reasonable expectation of recall, including employees on workers' compensation, medical, maternity, or other leave; and,

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<sup>2</sup> 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.

<sup>3</sup> MD Labor defines employment loss as: (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.

#### 4. 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 a single large layoff or a series of small layoffs, none of which would individually be covered under WARN, however, the total number of layoffs would require that the employer provides notice.

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

1. The name and address of the employment site where the plant closure 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;
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;<sup>4</sup>
5. A statement of union bumping rights (e.g. seniority preference), if applicable; 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 to a Chief Elected Official of the unit of Local Government 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.

## MARYLAND'S ECONOMIC STABILIZATION ACT

Maryland's Economic Stabilization Act (ESA)<sup>5</sup> creates requirements that go beyond federal WARN provisions for companies with 50 or more full time employees that reduce their total workforce by at least 25% or 15 employees, whichever is greater.

As of this policy issuance, MD Labor is in the process of promulgating regulations that provide more specific definitions and the process for submitting ESA notices, among other items. More information can be found in the Code of Maryland Regulations (COMAR) once finalized.<sup>6</sup>

## UNEMPLOYMENT INSURANCE AND DISLOCATION EVENTS

For dislocation events involving 25 or more employees, in addition to the notification required under the federal WARN and State ESA, employers must file with the Maryland Secretary of Labor a notice of the layoff 48 hours prior to the event in compliance with COMAR 09.32.02.06.<sup>7</sup> The notice must contain the following elements:

1. Date of layoff;
2. Reason for layoff;

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<sup>4</sup> DWDAL's Dislocation Services Unit will work to ensure the names of dislocated workers are supplied to the State

<sup>5</sup> [MD. Ann. Code, Labor and Employment Article §§11-301 et seq.](#)

<sup>6</sup> <https://dsd.maryland.gov/Pages/COMARHome.aspx>

<sup>7</sup> COMAR 09.32.02.06, [Claims during Temporary Mass Layoff.](#)

3. Names and Social Security Numbers<sup>8</sup> of the affected employees;
4. Amount and form of any pension pay to which an employee may be entitled, and whether the employee contributed to the pension;
5. Amount of vacation pay, holiday pay, severance pay, or special pay each employee receives;
6. Any wage continuation; and,
7. Each employee's last weekly or hourly pay rate.

If an employer has no advance knowledge on the layoff, they must notify the Secretary immediately of the date and reason for the layoff, and must submit the above notice to the Maryland Secretary of Labor's Office within 48 hours.

## **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, the number of affected employees, or if the dislocations qualify for WARN or ESA. The State is committed to providing workers and employers with the appropriate services needed. The State will work with WIOA Title I local staff to identify dislocation events and coordinate service delivery as needed.

### **Dislocation Resulting from Natural Disasters**

Certain dislocations resulting from natural disasters may trigger additional resources and services beyond traditional Rapid Response activities. This includes the authorization of Disaster Unemployment Assistance or eligibility for National Dislocated Worker Grants. The following link provides additional information on Disaster Unemployment Assistance - <https://workforcesecurity.doleta.gov/unemploy/disaster.asp>. More information on National Dislocated Worker Grants can be found on pages 15-16 of this policy.

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<sup>8</sup> All Personally Identifiable Information and other sensitive information must be protected in accordance with Training and Employment Guidance Letter (TEGL) 39-11.

## 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,<sup>9</sup> States must ensure that the following activities are made available via Rapid Response:

1. Layoff aversion activities (See page 8 for additional details on layoff aversion);
2. 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:
  - a. Layoff plans and schedule of the employer;
  - b. Background and probable assistance needs of the affected workers, and Reemployment prospects for workers, and;
  - c. Available resources to meet the short and long-term assistance needs of the affected workers;
3. The provision of information and access to unemployment compensation benefits and programs, such as Short-Time Compensation (known as “Work Sharing”<sup>10</sup> in Maryland), Pell Grants, the GI Bill, and other resources;
4. The delivery of other necessary services and resources, including workshops and classes, deployment and use of worker transition centers, job fairs, and training to support reemployment efforts for affected workers;
5. 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 federal, State, or local economic development assistance;
6. The provision of emergency assistance adapted to the particular layoff or disaster;
7. As appropriate, the development of systems and processes to:
  - a. Identify and gather information for early warning of potential layoffs or opportunities for layoff aversion;
  - b. Analyze and act upon data and information on dislocations and other economic activity in the State, region, or Local Area; and;
  - c. Track outcome and performance data and information related to the activities of the Rapid Response program;
8. 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:
  - a. Conduct strategic planning activities to support dislocation events and ensure timely access to a broad range of necessary assistance; and;
  - b. 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.
9. The assessment of Trade impacts and the delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed;<sup>11</sup>
10. The provision of additional assistance, as described in 20 CFR 682.350,<sup>12</sup> 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,

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<sup>9</sup> 20 CFR 682.330, “[What rapid response activities are required?](#)”

<sup>10</sup> To learn more about Work Share in Maryland, visit: <http://labor.maryland.gov/employment/worksharing>

<sup>11</sup> MD Labor’s Dislocation Services Unit handles Trade Adjustment Assistance activities for the Department. More information on these services can be found in the Trade Adjustment Assistance policy on MD Labor’s website: <https://labor.maryland.gov/employment/mpi/>.

<sup>12</sup> 20 CFR 682.350, “[What is meant by “provision of additional assistance” in the Workforce Innovation and Opportunity Act?](#)”



11. 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:
  - a. The provision of training and technical assistance to members of the committee; and,
  - 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 and delivery of WIOA-authorized services to affected workers.

In accordance with 20 CFR 682.340,<sup>13</sup> 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.

## LAYOFF AVERSION

In accordance with 20 CFR 682.320,<sup>14</sup> layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. Layoff aversion activities may include:

1. 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);
2. 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;
3. 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;
4. Developing, funding, and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity;
5. Connecting companies to:
  - a. Short-time compensation (known as Work Share in Maryland) or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available through MDUI;
  - b. Employer loan programs for employee skill upgrading; and,
  - c. Other federal, State, and local resources as necessary to address other business needs that cannot be funded with resources provided under this title;
6. 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;
7. 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;
8. 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;
9. Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses; and;
10. Connecting businesses and workers to short-term, on-the-job, and/or customized training programs and Registered Apprenticeships before or after layoffs to help facilitate rapid reemployment.

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<sup>13</sup> 20 CFR 682.340, "[May other activities be undertaken as part of rapid response?](#)"

<sup>14</sup> 20 CFR 682.320, "[What is layoff aversion, and what are appropriate layoff aversion strategies and activities?](#)"

# THE RAPID RESPONSE PROCESS

## MARYLAND'S RAPID RESPONSE TEAM STRUCTURE

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

Entity	Role
WIOA Title I local staff	WIOA Title I local staff, including Local Business Services Staff, operate within each of Maryland's 13 Local Areas and are charged with managing Rapid Response within the relevant Local Area. This includes Rapid Response activation and supporting 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. WIOA Title I local staff are the primary entities charged with administering Rapid Response activities across Maryland. WIOA Title I local staff must link services delivered to job seekers in/through the AJCs with the Rapid Response event established in the Maryland Workforce Exchange (MWE) described later in this policy.
State Dislocation Services Unit (DSU)	The DSU operates within the DWDAL's Office of Workforce Development. The DSU manages notifications of employment dislocations in Maryland resulting from a variety of causes. The DSU is the main State entity providing oversight and technical assistance for Rapid Response across Maryland.
MDUI	MDUI is charged with managing Maryland's unemployment insurance system. MMDUI 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 communication between MMDUI and other Rapid Response team partners, MMDUI's Reemployment Program Manager (or designee) serves as the central point of contact in MMDUI and is responsible for sharing and receiving information, such as news of dislocation events.
State Reemployment Staff in AJCs	State Reemployment staff provide jobseekers with technical support and career services, including workshops, individualized employment services, etc. under the direction of the MD Labor Reemployment Program Director (RPD) for the Local Area.
Core Rapid Response Team	<p>The Core Rapid Response Team (the Core Team) plans and implements local Rapid Response activities. The Core Team must minimally include: the relevant Local Area Director(s) (or designees), a representative from DWDAL's DSU, and a representative from MDUI for events involving 25 or more individuals. Additional partners, such as State Reemployment staff, like a RPD, may be included based on the unique needs of each situation.</p> <p>The relevant Local Area Director (or designee) serves as the primary point of contact for the employer and coordinates service delivery to impacted businesses and workers within a Local Area. They are also responsible for ensuring that required data is collected and reported in the MWE, including the collection of participant data, where possible and that documentation is completed.</p>

## 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. While each step of the process is outlined individually, the intention is for these steps to occur as quickly as possible to provide the immediate emergency services needed by the impacted workers and employers.

The process steps for a Rapid Response are as follows:

### Step 1: A Dislocation Event Occurs

A Rapid Response can be triggered by:

1. An announcement of a permanent closure via a WARN or ESA filing, or other notification;
  - a. Note: The DSU must review all notifications filed to the State to ensure compliance with federal and State guidance. If non-compliant, the DSU must investigate and collect all required information.
2. Information related to a business at risk;
3. An announcement or notification of a dislocation event;
4. The filing of a Trade Adjustment Assistance (TAA) petition; or,
5. A mass job dislocation resulting from a disaster.

### Step 2: A Member of Maryland's Workforce System Becomes Aware of the Event

If individuals in any of the roles below become aware of any of the trigger conditions noted in Step 1, they must complete the online Dislocation Event Form<sup>15</sup> as soon as possible. It is recommended this form be completed within 24 hours by the following individuals:

1. WIOA Title I local staff;
2. DWDAL staff, including RPD (or designee), DSU staff, and/or DWDAL leadership;
3. MD Labor's MDUI Reemployment Program Manager or staff; and,
4. Business Community Member.

### Step 3: Initiate the Communication Process

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

1. For dislocation events that do not meet either WARN or ESA criteria, at minimum, the DSU notifies the Director and designated staff of the Local Area(s) impacted by the event, the relevant RPD, and MDUI's Reemployment, Work Share, and Trade Program Manager;
2. If a dislocation event meets the criteria described earlier in this policy for a WARN or ESA, the DSU notifies an expanded list of stakeholders as per WARN/ESA guidelines.

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<sup>15</sup> Dislocation Event Form can be found here:

[https://docs.google.com/forms/d/e/1FAIpQLSeYCWlV2V7RplyFAr5G\\_kjzacqPmio26JTqCVSXpNTzyF4Nhg/viewform?c=0&w=1](https://docs.google.com/forms/d/e/1FAIpQLSeYCWlV2V7RplyFAr5G_kjzacqPmio26JTqCVSXpNTzyF4Nhg/viewform?c=0&w=1)

The DSU must utilize the Dislocation Alert Form to ensure communications provide consistent information for the type of event involved. The form is generated and sent directly from the MWE after DSU staff complete the form.

#### **Step 4: Identify the Type of Dislocation Event and Identify the Primary Contact**

All parties notified during Step 3 must work to determine the type of dislocation event from the following three options:

1. A dislocation event occurring in a single Local Area;
2. A dislocation event occurring in multiple Local Areas; or,
3. A dislocation event primarily involving remote workers or teleworkers.
  - a. Note: MD Labor defines remote workers as workers who do not have a physical reporting location. MD Labor defines teleworkers as workers who do have a physical location they report to, even if they do not primarily work from that location.

For dislocation events occurring in a single Local Area, that Local Area's Director (or designee) must act as the primary contact.

For dislocation events occurring in multiple Local Areas, the Maryland Workforce Association (MWA) President and/or MWA Executive Director must determine which of the affected Local Areas' Directors (or designee) shall act as primary contact within 48 hours of notification from DWDAL's DSU.

For dislocation events primarily involving remote/teleworkers, the MWA President and/or MWA Executive Director (or designee) must determine which Local Area Director shall act as primary contact. To help support this decision, MD Labor's DSU may provide information to identify which jurisdictions the impacted workers reside.

After a primary contact is identified, the DSU will create a Rapid Response Event in the Virtual One Stop Administration Portal of MWE for any Notice of Dislocation received by Labor and/or those received locally.

#### **Step 5: Organize the Rapid Response Team**

The relevant Local Area Director (or designee) will schedule a meeting as quickly as possible with the Core Team and selected optional partners. The Core Team should consist of any impacted Local Area Director (or designee), RPD(s) (or designee) for the impacted Local Area(s), a DSU staff member, and MDUI.

Optional partners that should be considered when customizing a Rapid Response event to the unique needs of the employer and dislocated workers include, but are not limited to:

1. Maryland Labor Veterans Representative;
2. Local Community Colleges and/or training providers when training or upskilling is being considered;
3. Maryland State Department of Education's Division of Rehabilitation Services (DORS);
4. Maryland Department of Commerce;
5. Maryland Health Connection;
6. Maryland Chamber of Commerce;
7. Local Chambers of Commerce;
8. Other State(s)' Rapid Response representatives, if non-Maryland residents have been identified as part of the dislocation; and,

9. Organizations that support any special needs identified within the dislocated workers, such as mental health services and language support (i.e. translators, interpreters), among others.

Once Rapid Response dates are determined, the relevant WIOA Title I local staff must email the date/s to [dlwdalrapidresponse-labor@maryland.gov](mailto:dlwdalrapidresponse-labor@maryland.gov). In turn, the DSU must update the entry in the Virtual One Stop Administration Portal.

### **Step 6: Develop a Rapid Response Action Plan**

The Core Rapid Response Team must work quickly and 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:

1. What does the business want?
2. What services can the system offer?
3. What constraints may impact the ability to provide services, and how will the team operate within those limitations?
4. Are there potential trade impacts?
5. Will there be a need for additional support to deliver services, such as National Dislocated Worker Grants?

### **Step 7: Implement the Action Plan**

The relevant Local Area Director, with the assistance of the Core Team and optional partners, is responsible for ensuring that the action plan to engage with businesses and workers is implemented timely, providing services that may include, but are not limited to: workshops, distributing materials, employer meetings, employee meetings, layoff aversion strategies, recruitment events, and training. These services may be provided in-person, virtually, or a hybrid of the two, according to the preferences and circumstances of the employer and dislocated workers.

To ensure the accuracy of information shared with UI claimants, any materials used to describe UI services must be pre-approved by the MDUI Reemployment, Work Share and Trade Program Manager.

### **Step 8: Actions to Be Completed Following Rapid Response Service Delivery**

WIOA Title I local staff must complete all Rapid Response reporting activities. More information on this report can be found in the “Reporting” section below.

# RAPID RESPONSE SUPPLEMENTARY FUNDING

## MD LABOR SUPPLEMENTARY FUNDING

As a part of the WIOA Title I Dislocated Worker allotment, MD Labor provides Local Areas with a portion of funds to support Rapid Response activities on an annual basis. States can reserve up to 25 percent of the Dislocated Worker overall state allocation for Rapid Response activities, MD Labor only retains 17.5 percent of the allotment for purposes of state Rapid Response activities.

Recognizing that there may be instances that warrant a need for additional resources to support impacted workers via Rapid Response, MD Labor has established a process for Local Areas to request additional funds in certain situations. In order for MD Labor to consider a request, the Local Area must:

1. Have obligated at least 80 percent of its WIOA Title I Dislocated Worker funds on hand,<sup>16</sup> which includes the initial allotment of Rapid Response funds that is packaged as a part of the annual allotment;
2. Articulate a demonstrated need for additional resources to support impacted workers, which may include temporary staffing needs in certain scenarios; and
3. Provide a funding proposal that explains how additional funds would be put to use, including:
  - A. Amount requested;
  - B. Uses of funds;
  - C. Time period that funds will be used within; and,
  - D. Expected outcomes of funds.

A template to request these funds is attached to this policy as ***Attachment A - Rapid Response Supplementary Funding Request***.

Contingent on availability of funds, MD Labor's Office of Workforce Development will consider requests and provide a response to the Local Area within 5 business days of request receipt.

If State Rapid Response funds are unavailable and a local area has a demonstrated need, MD Labor and the Local Area should explore other funding sources, including the possibility of a USDOL National Dislocated Worker Grants (DWG).

## NATIONAL DISLOCATED WORKER GRANT FUNDING

DWGs are discretionary grants awarded by the Secretary of USDOL under Section 170 of WIOA to provide employment-related services for dislocated workers. There are two types of DWGs awarded by USDOL:

1. Employment Recovery DWGs, which can provide for employment and training activities for dislocated workers and other eligible populations. They are intended to expand service capacity temporarily at the State and local levels, by providing time-limited funding assistance in response to major economic dislocations or other events that affect the U.S. workforce that cannot be accommodated with WIOA formula funds or other relevant existing resources; and,
2. Disaster Recovery DWGs, which allow for the creation of disaster relief employment efforts to assist with clean-up and recovery efforts from emergencies or major disasters and the provision of employment and training activities.<sup>17</sup>

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<sup>16</sup> The amount of funds obligated is based on the current year's allotment of WIOA Title I Dislocated Worker funds

<sup>17</sup> More information on DWGs can be found in 20 CFR Part 687, "[National Dislocated Worker Grants](#)."

MD Labor encourages Local Areas to explore applying for DWGs in the appropriate circumstances. The Department may support the development of a DWG, as needed and appropriate.

# REPORTING

## REPORTING IN THE MWE

Once Rapid Response services have been triggered, DWDAL'S DSU must create a Rapid Response Event in the MWE Virtual OneStop Administration portal to include:

1. State-Assigned Event Number;
2. Company Name;
3. Worksite Location;
4. Address;
5. City;
6. State;
7. Zip Code;
8. Event Begin Date;
9. Event End Date;
10. Event Type;
11. Event Classification;
12. TAA Petition Status;
13. Number of Employees Affected; and,
14. Status.

From there, WIOA Title I local staff are responsible for ensuring required data and documentation, including administrative details and dislocation event information, are collected. For participants, MD Labor requires the following information is collected:

1. Attendee name;
2. Contact information (e.g., email, telephone number);
3. Residency;
4. Veteran status; and,
5. Confirmation that the participant granted permission to share information among identified partners.

For service delivery, WIOA Title I local staff must document the following information about each dislocation event and related Rapid Response activities in the MWE within 14 calendar days of activity:

1. Service type;
2. Scheduled time;
3. Actual end date;
4. Completion code;
5. Region;
6. Office;
7. Position;
8. Contact type;
9. Contact method;
10. Contact name;
11. Comments, as appropriate – e.g., “Case Notes”; and,
12. Participant data, when available.



Additionally, WIOA Title I local staff are responsible for ensuring the following services are entered into the MWE (Note: if the employer is not already registered in MWE, WIOA Title I local staff must add them to the system):

1. Event MWE Services to Be Entered for Dislocated Workers:
  - a. 110: Attended Rapid Response;
2. Required MWE Event Service Entered for Employer Dislocation Events:
  - a. E37: Rapid Response Services (also identify the corresponding Rapid Response Event Number using the 'Find Rapid Response Event' lookup tool);
3. Additional MWE Event Services Entered for Employer Dislocation Events As Applicable:
  - a. 101: Orientation;
  - b. E07: Information About One-Stop Systems and Services;
  - c. E27 Referral to Partner Agency/Service Provider;
  - d. E28 Tax Credit Information and Services (as it relates to Layoff Aversion strategies deployed);
  - e. E45 Business Downsizing Assistance (as it relates to Layoff Aversion strategies deployed); and,
  - f. E47 Outreach for Registered Apprenticeship (Entered when Registered Apprenticeship Program information is presented to dislocated workers).

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

The information from all reports submitted through the MWE are recorded by the DSU and provided to the DWDAL fiscal unit each year upon request. This data entry is critical to complete, as WIOA Title I Dislocated Worker allocations to the 13 Local Areas are based on the data submitted through those reports.

## ADDITIONAL REPORTING

Separate from the MWE, MD Labor requires WIOA Title I local staff to submit a report to MD Labor with the following information:

1. Type of Rapid Response event(s) held;
2. Date of event(s);
3. Number workers that attended each event;
4. Optional partners and the programs involved; and,
5. Any additional relevant information.

The completed report must be emailed to [dlwdalrapidresponse-labor@maryland.gov](mailto:dlwdalrapidresponse-labor@maryland.gov). The additional report allows the State to have more in-depth information on the Rapid Response activities provided beyond what is collected in the MWE.

Lastly, event data collected via sign-up sheets aid in identifying potential services that can be offered to each attendee. Below are a few common uses for the information collected:

1. Residence information can be used to identify localized programs and resources or to help out-of-state partners that participate in the Rapid Response process with MD Labor in the event they need to be connected for Trade purposes;
2. Veteran status information is utilized to determine whether Veteran related services should be offered and if the triage process should be activated;

3. The sign-in roster allows staff to determine if a registration for that person exists in the MWE. If so, they could enter MWE services and be attached to the Rapid Response event;
4. Partners can use this event data to perform outreach in order to follow-up with attendees for services; and,
5. The relevant Local Area Director will share information with neighboring states' Rapid Response Coordinators, when applicable, to connect attendees to services within their state of residence. Attendees may be closer to these services and also may be offered residence-based services in their home state, which helps to ensure full wrap-around services are provided.

# MONITORING AND RECORD RETENTION

## MONITORING

The State acknowledges that USDOL may conduct fiscal and/or programmatic monitoring of Rapid Response activities. Therefore, MD Labor may conduct fiscal and programmatic monitoring of the project to ensure that subawardees are following policies and meeting expectations, including nondiscrimination and equal opportunity provisions. Monitoring may include desk and/or on-site monitoring. Failure of MD Labor to supervise, evaluate, or to provide guidance and direction shall not relieve the grantee of any liability to comply with the terms of the grant or award agreement.<sup>18</sup>

## 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.

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<sup>18</sup> DWDAL's Policy Issuance on monitoring can be found here: <http://www.labor.maryland.gov/employment/mpi/>.

## **FAIR PRACTICES AND ACCESSIBILITY**

It is MD Labor's policy that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex (including pregnancy, childbirth and related medical conditions, transgender status, gender identity), marital status, genetic information, age, national origin or ancestry (including Limited English Proficiency), disability, veteran status or political affiliation or belief. Grantees working with participants in need of accommodations are responsible for securing the necessary support. Grantees may refer to MD Labor's Nondiscrimination Plan<sup>19</sup> and Language Access Plan<sup>20</sup> for more information on accommodations and services.

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<sup>19</sup> MD Labor's Nondiscrimination Plan is available at the following link:

<http://www.labor.maryland.gov/employment/ndp/>.

<sup>20</sup> The DWDAL and Division of Unemployment Insurance Language Access Plan is available at the following link:

<http://www.labor.maryland.gov/employment/wioa-access.pdf>.

# REFERENCES

## LAW

- [Workforce Innovation and Opportunity Act](#) (WIOA), 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 Article, Title 11 – [Maryland Economic Stabilization Act](#);
- Maryland Code, Labor and Employment Article, [Section 8-627 Separation Notices](#).

## REGULATION

- 2 CFR §§[200](#) and [2900](#) – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 20 CFR 651, “[General Provisions Governing the Wagner-Peyser Act Employment Service](#)”
- 20 C.F.R. Part 652, “[Establishment and Functioning of State Employment Benefits](#),”
- 20 C.F.R. Part 682, “[Statewide Activities Under Title I of WIOA](#),”
- 29 CFR § 97.42, “[Retention and Access Requirements for Records](#),”
- COMAR 09.33.02, “[Economic Stabilization](#)”; and,
- COMAR 09.32.06, “[Claims during Temporary Mass Layoffs](#)”.

## USDOL GUIDANCE

- TEGL 9-24, “[Updated National Dislocated Worker Grant Program Guidance and Application Information](#),” DATED December 17, 2024;
- Unemployment Insurance Program Letter (UIPL) 01-24, “[Equitable Access in the Unemployment Insurance \(UI\) Program](#),” dated November 8, 2023;
- TEGL 21-22, “[Increasing Equitable Service Access and Employment Outcomes for All Jobseekers in Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs](#),” dated June 9, 2023;
- TEGL 16-21, “[Updated National Dislocated Worker Grant Program Guidance](#),” dated June 16, 2022;
- TEN 08-20, “[Public Workforce System Role in Reopening State and Local Economies](#),” dated December 10, 2020;
- TEGL 23-19, “[Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor \(DOL\) Workforce Programs](#),” dated June 18, 2020;
- TEGL 7-18, “[Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act \(WIOA\)](#),” dated December 19, 2018;
- 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;
- 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;
- TEN 09-12, “[Layoff Aversion in Rapid Response Systems](#),” dated August 31, 2012;
- 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 03-10, “[The National Rapid Response Initiative](#),” dated August 9, 2010.

## OTHER RESOURCES

- [DWDAL Policy Issuance Page](#); and,
- [Maryland WIOA Combined State Plan](#).

## **ATTACHMENTS**

- Attachment A – Rapid Response Supplementary Funding Request; and,
- Attachment B – How To Enter Rapid Response Services in the MWE.

## Rapid Response Supplementary Funding Application

This application is for Title I Local Workforce Development Areas (Local Areas) seeking additional resources from the Maryland Department of Labor to support impacted workers through Rapid Response activities. This funding is awarded on an as-needed basis.

Please complete all fields of this application and submit it with the budget request.

Applicants should carefully review the *Rapid Response Policy* (which can be found here: <https://labor.maryland.gov/employment/mpi/>) prior to completing this application. The Policy provides details on required program components and key terminology associated with Rapid Response activities.

### Rapid Response Supplementary Funding Application Submission Checklist

REQUIRED DOCUMENTS	
•	Rapid Response Supplementary Funding Application
•	Rapid Response Supplementary Funding Budget (.xlxs)

### Submission Instructions

Completed applications must be submitted via email to [dlwdalrapidresponse-labor@maryland.gov](mailto:dlwdalrapidresponse-labor@maryland.gov). Submissions must include all required documents listed above and should be submitted as a file transfer or as attachments to a single email.

SECTION 1: APPLICANT INFORMATION		
1	Local Area Name	
3	Point of Contact Name	
4	Point of Contact Title	
5	Point of Contact Email Address	
6	Point of Contact Phone Number	
7	Organization Street Address	
8	Date of Submission	



## Rapid Response Supplementary Funding Application

### SECTION 2: RAPID RESPONSE ACTIVITIES INFORMATION

<b>9</b>	Provide a brief overview of the Dislocation Event.
<b>10</b>	Provide an overview of the Rapid Response activities that have already occurred in response to the Dislocation Event
<b>11</b>	Explain the need for additional funding to provide Rapid Response services. In the explanation, please provide how the additional funds will be used to support impacted workers.
<b>12</b>	Explain the outcomes that will be achieved with the funding, as well as the timeline that the funding will be spent.
<b>13</b>	What is the intended start and end date for the funding? Please provide an explanation for the date range.

### Instructions for Section 3: Program Financial Information

Complete this section and provide financial information for the Rapid Response Supplementary Funding. Information in this section **must** be consistent with an itemized Rapid Response Supplementary Funding Budget. The Budget should be completed and submitted as an Excel document (.xlsx) along with this application. Please reconcile Section 3 of this application with the associated Budget prior to submission.

### SECTION 3: PROGRAM FINANCIAL INFORMATION

<b>14</b>	Total percentage of WIOA Title I Dislocated Worker funds obligated	
<b>15</b>	Provide the following financial information about the funding requested.	
<b>A</b>	Total amount of funding dedicated to impacted worker services	\$

## Rapid Response Supplementary Funding Application

<b>B</b>	Total amount of funding dedicated to impacted employers	\$
<b>C</b>	Total amount of funding dedicated for staffing	\$
<b>D</b>	Total funding amount requested	\$

Prior to signing below, review all sections of this application for completion and accuracy. Review the Rapid Response Policy for any additional requirements associated with this program. Ensure that all required attachments and any desired optional attachments are included in the final submission.

<b>AFFIRMED</b>	
The undersigned affirms that the applicant organization and any prospective subawardees are in good standing with the Comptroller of Maryland and the Maryland Department of Labor.	<input type="checkbox"/>
The undersigned affirms that the contents of this application are true and verifiable.	<input type="checkbox"/>
The undersigned agrees to all the requirements put forth in the program policy.	<input type="checkbox"/>

<b>Applicant Full Name</b>	
<b>Applicant Title</b>	
<b>Applicant Email</b>	
<b>Applicant Phone Number</b>	

<b>Applicant Signature</b>	<b>Date</b>

Completed Applications should be submitted via email to:  
to [dlwdalrapidresponse-labor@maryland.gov](mailto:dlwdalrapidresponse-labor@maryland.gov).

# How to Add an Activity(s) to an Employer Record in the MWE

Staff users may add activity(s) – or services – to an employer record in MWE/VOS, as follows –

1. Log in as a staff user
2. Find your target employer record [**Manage Employers** → **Assist an Employer**]
3. On the employer search results screen click on Activities [located under Action]

Results View: **Summary** | Detailed  
To sort on any column, click a column title.

Username	Employer	Emp ID	Primary Contact Login	City	Active Contacts	Created	Access	Action	Select
<u>LARGESTWAREHOUSE</u>	Largest Warehouse	1312671	Yes	Middle River	Angelina Beautiful	08/14/2012	Enabled	General Contacts <u>Activities</u> Job Orders Notes	<input type="checkbox"/>

SEARCH CRITERIA: company name that begins with Largest Warehouse

[Save List](#)

- or -

If already in the employer's record, go to the links that display above that record to Staff's Profile and click on Activities [Hint: keep the links above the employer's record expanded [-], for quick access to the record's various sections]

The screenshot shows the 'Assist an Employer' page for 'Largest Warehouse'. The left sidebar has 'Currently Managing' and 'My Staff Workspace' sections. The main content area shows 'Employer Profiles' and 'Human Resource Plan' tabs. A dropdown menu for 'Staff's Profile' is open, showing options: 'Case Management Profile', 'Case Notes', and 'Activities' (highlighted with a red box). Below the dropdown are tabs for 'General Information', 'Work Sites', 'Contacts/Users', and 'Account Summary'. A 'Staff Info' section is at the bottom.

4. After the Activities tab opens, click on Service Plan

The screenshot shows the 'Activities' tab selected. Below it, the 'Service Plan' option is highlighted with a red box. The text below 'Service Plan' reads: 'Select this option to review the services planned for and provided to this employer.'

- On the Employer Services list screen, click on [Add Service](#) or [Add Multiple Services](#)

Listed below are the Services the selected Employer has been assigned. Click the [Add Service](#) link to create a new Service associated with this Employer. Click the [Add Multiple Services](#) link to create more than one Service for the Employer.

Employer Services

Federal Employer ID: 777659876  
Company Name: Largest Warehouse  
Address: 9199 Pulaski Highway  
Middle River, MD 21220

[Add Service](#) [Add Multiple Services](#)

0 Records Found

Currently there are no active Services for this Employer. Click the [Add Service](#) link to create a new Service for this Employer. Click the [Add Multiple Services](#) link to create more than one Service for the Employer.

[Return to Activities Folder](#)

- Complete the service detail screen and click on [Save](#)
  - Note: click on [Add a new Case Note](#) to add a note to the employer's folder for this activity

Please provide information for the following fields and click the [Save](#) button when you are finished. Otherwise click the [Cancel](#) button to return to the Service Plan page.

MA

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

\*Service: None Selected

Type: None Selected

Scheduled Date: MM/DD/YYYY Format

Scheduled Time: AM

Actual End Date: MM/DD/YYYY Format

Completion Code: None Selected

\*Region: State Contractor

\*Office: Office of Employment Training - Central

Position: Staff

Contact Type: None Selected

Contact Method: None Selected

Contact Name: None Selected

Comments:

[Add a new Case Note](#) [Show Filter Criteria](#)

ID	Create Date	Subject	Actions
2621375	10/9/2013 1:54:43 PM	Employer Verification	<a href="#">Edit</a>

[Save](#) [Cancel](#)

Or

Please check the services this employer will be receiving at this time.

\* LWIA / Region: State Contractor

\* Office Location: Office of Employment Training - Central

\* Position: Staff

Contacts:

Contact Type	Contact Method	Contact Name
None Selected	None Selected	None Selected

Scheduled Date	Scheduled Time	Service Description	RR Event	Actual End Date
10/11/2013	00 : 00 AM	E01 - On-Site Visit	<a href="#">[ RR Search ]</a>	
10/11/2013	00 : 00 AM	E02 - Provided Job Fair Services	<a href="#">[ RR Search ]</a>	
10/11/2013	00 : 00 AM	E03 - Provided Job Order Assistance	<a href="#">[ RR Search ]</a>	
10/11/2013	00 : 00 AM	E04 - Provided Mass Recruitment Services	<a href="#">[ RR Search ]</a>	
10/11/2013	00 : 00 AM	E05 - Provided Detailed Labor Market Study	<a href="#">[ RR Search ]</a>	
10/11/2013	00 : 00 AM	E06 - Job order matching	<a href="#">[ RR Search ]</a>	
10/11/2013	00 : 00 AM	E07 - Information about one-stop systems and services	<a href="#">[ RR Search ]</a>	

- You have now added one or more activities (services) to an employer's folder. These will display in that employer's [Service Plan](#), which is accessed by going to that employer's [Activities](#) folder.