



**Division of Workforce
Development and Adult Learning
(DWDAL)**
Policy Issuance



PI 2026-08 Rapid Response | June 12, 2026

TO Division of Workforce Development and Adult Learning (DWDAL) staff

FROM DWDAL
Maryland Department of Labor (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, Maryland Division of Unemployment Insurance 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.

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CANCELLATIONS

The following are hereby cancelled, replaced, and archived by this policy issuance: Policy Issuance 2025-02, "Rapid Response," dated January 15, 2025.

Archived policies are available at <http://www.labor.maryland.gov/employment/mpi/>.

EXECUTIVE SUMMARY

Under the Workforce Innovation and Opportunity Act (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. 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. When a dislocation event is identified, a 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.

WIOA Title I local staff are the primary entities charged with administering Rapid Response activities across Maryland. They work closely with other partners in the workforce system, including the State Dislocation Services Unit, Maryland Division of Unemployment Insurance, and State reemployment staff, among others.

Rapid Response steps are as follows:

1. A dislocation event occurs;
2. A member of Maryland's workforce system becomes aware of the event;
3. Initiate the communication process;
4. Identify the type of dislocation event and identify the primary contact;
5. Organize the Rapid Response team;
6. Develop a Rapid Response action plan;
7. Implement the action plan; and,
8. Actions to be completed following Rapid Response service delivery.

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. Local Areas must meet certain requirements to be eligible to receive supplementary funding.

GENERAL INFORMATION

WORKFORCE INNOVATION AND 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:¹

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 later in this policy.

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,

¹ The four areas are required under 20 CFR 682.300.

flexible services, regardless of company size or the number of employees facing a layoff. When a dislocation event is identified, a 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 mass layoffs 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 Dislocation Services Unit (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);
3. Affected employees; and,
4. Representative(s) of affected employees.

This notification allows for the Rapid Response team to effectively work in coordination to provide timely transitional assistance to affected employees.

Affected employees² are employees who may reasonably be expected to experience an employment loss as a consequence of a proposed plant closing or mass layoff by their employer. Employment loss means:

1. An employment termination, other than a discharge for cause, voluntary departure, or retirement,
2. A layoff exceeding 6 months, or
3. A reduction in hours of work of individual employees of more than 50% during each month of any 6-month period.

Where a termination or a layoff is involved, an employment loss does not occur when an employee is reassigned or transferred to employer-sponsored programs, such as retraining or job search activities, as long as the reassignment does not constitute a constructive discharge or other involuntary termination. In addition, an employee is not considered to have experienced an employment loss if the closing or layoff is

² No notice is required if the closing is of a temporary facility, or if the closing or layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired with the understanding that their employment was limited to the duration of the facility or the project or undertaking. See 20 CFR 639.5(c). However, such individuals are nonetheless counted as employees for purposes of determining coverage as a plant closing or mass layoff. See 20 CFR 639.3(c)(2). Additionally, these employees are welcome to participate in Rapid Response activities and information sessions. In addition, while part-time employees are not counted in determining whether plant closing or mass layoff thresholds are reached, such workers are entitled to notice under the federal regulations. See 20 CFR 639.6(b).

the result of the relocation or consolidation of part or all of the employer's business and, prior to the closing or layoff—

1. The employer offers to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a 6-month break in employment, or
2. The employer offers to transfer the employee to any other site of employment regardless of distance with no more than a 6-month break in employment, and the employee accepts within 30 days of the offer or of the closing or layoff, whichever is later.

There are two types of dislocation events that trigger federal WARN requirements: plant closings and mass layoffs. A “plant closing” means:

1. The permanent or temporary shutdown of a “single site of employment”, or one or more “facilities or operating units” within a single site of employment, if the shutdown results in an “employment loss” during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees.

A “mass layoff” means:

1. A reduction in force which
 - a. Is not the result of a plant closing; and,
 - b. Results in an employment loss at a single site of employment during any 30-day period for:
 - i. At least 33 percent of the active employees, excluding part-time employees, and
 - ii. At least 50 employees, excluding part-time employees.
2. Where 500 or more employees (excluding part-time employees) are affected, the 33% requirement does not apply, and notice is required if the other criteria are met.

Plant closings involve employment loss which results from the shutdown of one or more distinct units within a single site or the entire site. A mass layoff involves employment loss, regardless of whether one or more units are shut down at the site.

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. An employer is not, however, required to give notice if the employer demonstrates that the separate employment losses are the result of separate and distinct actions and causes, and are not an attempt to evade the requirements of WARN.

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

1. A statement as to whether the planned action is expected to be permanent or temporary and, if the entire plant is to be closed;
2. The expected date when the plant closing or mass layoff will commence and the expected date when the individual employee will be separated;
3. A statement of union bumping rights (e.g. seniority preference), if applicable; and,
4. The name and telephone number of a company official to contact for further information.³

³ There are other specific requirements for what content must be included in the notices to employee representatives, state dislocated worker units, and chief elected officials. See 20 CFR 639.7.

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 in the U.S. District Courts.

MARYLAND'S ECONOMIC STABILIZATION ACT

Maryland's Economic Stabilization Act (ESA)⁴ requires employers with 50 or more employees in Maryland that reduce the number of employees at a workplace by at least 25% or 15 employees, whichever is greater, to provide written notice at least 60 days in advance.

The ESA notice requirements apply to any person, corporation, or other entity that operates an industrial, commercial, or business enterprise; employs at least fifty (50) employees in Maryland; has been operating for at least one (1) year; and is operating in the State of Maryland. The State of Maryland and its political subdivisions are not "employers" under the ESA.

An individual counts as an "employee" under the ESA if they:

1. Work for an employer for an hourly or salaried wage or in a managerial and supervisory capacity;
2. Work an average of twenty (20) hours or more per week; and
3. Have worked for an employer for at least six (6) months in the immediately preceding 12 months.

An employer must provide notice under the ESA if they initiate a "reduction in operations." A "reduction in operations" is defined to include:

1. The relocation of a part of an employer's operation from an initial workplace to another existing or proposed site that may reduce the total number of employees at the initial workplace by at least 25% or 15 employees, whichever is greater; or
2. The shutting down of a workplace or a portion of the operations of a workplace that reduces the total number of employees by at least 25% or 15 employees, whichever is greater, over any 3-month period.

If an employer initiates a "reduction in operations," the employer must provide written notice at least 60 days before the reduction in operations to the following individuals or entities:

1. All employees at the workplace that are subject to the reduction in operations;
2. Each exclusive representative or bargaining agency that represents the employees at the workplace that are subject to the reduction in operations;
3. Individuals who work less than 20 hours on average each week or have worked for the employer for less than 6 months in the immediately preceding 12 months at the workplace that is subject to the reduction in operations;
4. MD Labor's Dislocation Services Unit; and
 - a. The chief elected official of the political subdivision where the workplace that is subject to the reduction in operations is located; or
 - b. If the workplace is located in more than one political subdivision, the chief elected official of the political subdivision to which the employer paid the most taxes for the fiscal year immediately preceding the year in which the reduction in operations occurs.

⁴ [MD. Ann. Code, Labor and Employment Article §§ 11-301 et seq.](#)

A notice may be submitted online to the Dislocation Services Unit by emailing dlwdalwarn-labor@maryland.gov. The notice must include:

1. The name and address of the workplace where the reduction of operations is expected to occur;
2. The name, telephone number, and e-mail address of a company official to contact for further information;
3. A statement that explains whether the reduction in operations is expected to be permanent or temporary and if the workplace is expected to shut down; and
4. The expected date when the reduction in operations will begin.

Alternatively, a letter containing the required information can be sent to:

Maryland Department of Labor
Dislocation Services Unit
100 S. Charles Street
Tower 1, Suite 2000
Baltimore, MD 21201

More information can be found in the Code of Maryland Regulations (COMAR) 09.33.02.01 *et seq.*, which further describes the rapid response activities that are made available to employers facing or likely to face a reduction in operations, and the Department's guidelines for employers anticipating a permanent reduction in operations.

UNEMPLOYMENT INSURANCE AND DISLOCATION EVENTS

For dislocation events involving 25 or more workers, in addition to the notification required under the federal Warn and State ESA, employers who have advance knowledge of an expected mass layoff must file with the Maryland Secretary of Labor a notice of the layoff 48 hours prior to the event in compliance with COMAR 09.32.02.06.⁵ The notice must contain the following elements:

1. Date of layoff;
2. Reason for layoff;
3. Names and Social Security Numbers⁶ 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 once the layoff begins 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

⁵ COMAR 09.32.02.06, [Claims during Temporary Mass Layoff](#).

⁶ All Personally Identifiable Information and other sensitive information must be protected in accordance with Training and Employment Guidance Letter (TEGL) 39-11.

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://oui.doleta.gov/unemploy/disaster.asp>. More information on National Dislocated Worker Grants can be found on later in this policy.

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 682.330,⁷ 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”⁸ in Maryland), comprehensive one-stop delivery system services, and employment and training activities, including information on the Trade Adjustment Assistance program, 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, and job fairs, 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 delivery of services to worker groups for which a petition for Trade Adjustment Assistance has been filed;⁹

⁷ 20 CFR 682.330, “[What rapid response activities are required?](#)”

⁸ To learn more about Work Share in Maryland, visit: <http://labor.maryland.gov/employment/worksharing>.

⁹ 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/>.

10. The provision of additional assistance, as described in 20 CFR 682.350,¹⁰ 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,
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 682.340,¹¹ 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 682.320,¹² 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. 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;

¹⁰ 20 CFR 682.350, "[What is meant by "provision of additional assistance" in the Workforce Innovation and Opportunity Act?](#)"

¹¹ 20 CFR 682.340, "[May other activities be undertaken as part of rapid response?](#)"

¹² 20 CFR 682.320, "[What is layoff aversion, and what are appropriate layoff aversion strategies and activities?](#)"

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.

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. MDUI 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 MDUI and other Rapid Response team partners, MDUI’s Reemployment Program Manager (or designee) serves as the central point of contact in MDUI 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 anytime MD Labor is aware of a possible or actual dislocation event, including, but not limited to, the following scenarios:

1. An announcement of a closure via a WARN or ESA filing, or other notification;
 - a. Note: The DSU reviews all notifications filed to the State to ensure compliance with federal and State guidance. If non-compliant, the DSU investigates and collects all required information.
2. Information related to a business at risk;
 - a. Note: Under the ESA regulations, the Secretary of Labor monitors layoffs to identify employers who are likely to experience a reduction in operations and contacts such employers for the purpose of offering planning assistance and assistance in providing services, if needed.
3. Any other 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 Form¹³ 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:

¹³ Dislocation Event Form can be found here:

https://docs.google.com/forms/d/e/1FAIpQLSeYCwIV2V7RplyFAR5G_kjzacqPmio26JTqCVSxpNTzyF4Nhg/viewform?c=0&w=1

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.

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 perform work at an approved worksite other than the assigned workplace. MD Labor defines teleworkers as workers who have a worksite flexibility arrangement that allows them to perform their duties from an approved alternative worksite other than their official duty station.

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 in.

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. 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, and MD Labor only retains 17.5 percent of the allotment for purposes of state Rapid Response activities. Federal regulations provide that any of the remaining funds reserved may be provided to local areas that experience increases of unemployment due to natural disasters, mass layoffs or other events, for provision of direct career services to participants if there are not adequate local funds available to assist the dislocated workers.¹⁴

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. Supplementary funds are intended for short-term funding gap support until the Local Area is able to access their next WIOA Title I Dislocated Worker allotment. In the event that awarded supplementary funds are not obligated at the time of the next WIOA Title I Dislocated Worker allotment, or if funds are not used as described in the application, MD Labor may recapture funds.

In order for MD Labor to consider a request, the Local Area must:

1. Have obligated¹⁵ at least 80 percent of its WIOA Title I Dislocated Worker funds on hand¹⁶ at the time of application, which includes the initial allotment of Rapid Response funds that is packaged as a part of the annual allotment. Local Areas must submit a Quarterly Status Report (QSR) that demonstrates that the 80% threshold has been met. MD Labor allows Local Areas to submit an updated QSR outside of the standard quarterly reporting cycle if needed;
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.

The application to request these funds can be found on MD Labor's website:

<https://www.labor.maryland.gov/employment/wdrapidresponsesupplementalfunding.shtml>.

Contingent on availability of funds, the Division will consider requests and provide a response to the Local Area within 10 business days of receipt of a completed, accurate application.

¹⁴ See 20 CFR 682.350.

¹⁵ USDOL defines "obligated" as the combined share of expenditures, total administrative expenditures, and share of unliquidated obligations. More information can be found on pages 3-4 of the ETA 9130 - Basic Financial Report Instructions: [https://www.dol.gov/sites/dolgov/files/ETA/pdfs/ETA-9130%20-%20Basic%20\(2023\).pdf](https://www.dol.gov/sites/dolgov/files/ETA/pdfs/ETA-9130%20-%20Basic%20(2023).pdf).

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

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 Grant (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.¹⁷

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.

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

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).

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. 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.¹⁸

RISK ASSESSMENT

MD Labor prioritizes grantees' financial integrity and responsible stewardship of public funds. Applicants should be aware that the Department reserves the right to exclude any organization from consideration for funding if, through the Department's due diligence review, the organization is determined to pose a significant risk to the proper execution and oversight of the grant agreement. This assessment may involve a thorough review of the applicant's previous program and fiscal monitoring reports, public financial statements, audit reports, tax filings, organizational solvency, prior grant management history, and any other relevant indicators. The goal of this process is to ensure that grant funds are awarded to organizations with the necessary financial stability and capacity to meet the programmatic and fiscal responsibilities outlined in the grant solicitation and subsequent agreement.

Organizations deemed to present an unacceptable financial risk, including but not limited to those with a history of material audit/monitoring findings, significant financial instability, pending litigation that threatens solvency, or a demonstrable inability to properly manage federal or State funds, may be deemed ineligible for an award, or the Department may otherwise take the entity's financial risk into account in administering grants or selecting grantees.

MD Labor may also take into consideration an organization's status concerning any current or past debts to the State of Maryland or the federal government, including but not limited to unpaid taxes or Unemployment Insurance obligations. Submission of an application constitutes the applicant's acknowledgment of this financial risk assessment policy and the applicant's commitment to provide all necessary and accurate financial documentation upon request to facilitate this determination. Failure to meet MD Labor's standards for financial responsibility may result in disqualification from the funding opportunity.

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.

¹⁸ 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, and sexual orientation), marital status, genetic information, age, national origin or ancestry (including Limited English Proficiency), disability, veteran status, political affiliation or belief, for the beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA. Interested parties may refer to MD Labor's Nondiscrimination Plan and Language Access Plan for more information on accommodations and services.

REFERENCES

LAW

- [Workforce Innovation and Opportunity Act](#) (WIOA), 29 U.S.C. § 3101, *et seq.* (2015);
- [Worker Adjustment and Retraining Notification Act](#) (WARN), 29 U.S.C. § 2101, *et seq.* (1988)
- Md. Ann. Code, Labor and Emp. Art., Title 11, [Division of Workforce Development and Adult Learning](#).

REGULATION

- 2 CFR §§ [200](#) and [2900](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 20 CFR Part 638, [Worker Adjustment and Retraining Notification](#);
- 20 CFR Part 682, [Statewide Activities under Title I of the Workforce Innovation and Opportunity Act](#), Subpart C, Rapid Response Activities
- 20 CFR Part 683, [Administrative Provisions under Title I of the Workforce Innovation and Opportunity Act](#);
- 29 CFR Part 38 –“[Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act](#);”
- COMAR 09.33 *et seq.* [Job Service](#); and,
- COMAR 09.37.01 *et seq.* [Workforce Development and Adult Learning](#).

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](#);
- [Language Access Plan](#);
- [Maryland WIOA State Plan](#);
- [MD Labor's Non-Discrimination Plan](#).