



**NORTH CAROLINA DEPARTMENT OF COMMERCE  
DIVISION OF WORKFORCE SOLUTIONS**

**DWS Operational Guidance Number: OG 10-2021**

**Date: May 3, 2021**

**Subject: Rapid Response and Layoff Aversion Guidance**

**From:**

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**Chet Mottershead  
Acting Assistant Secretary for Workforce**

**Purpose:** To provide Workforce Innovation and Opportunity Act (WIOA) formal guidance regarding Rapid Response and Layoff Aversion.

**Background:** Reauthorized from the Workforce Investment Act to the WIOA in 2014, Rapid Response is the primary gateway to the workforce system, as mandated in Section 134(a)(2)(A). The purpose of Rapid Response services and Layoff Aversion strategies is to promote economic recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, and responding to layoffs and dislocations to prevent or minimize their impacts on workers, businesses, and communities. 20 CFR § 682.330 requires Layoff Aversion activities as part of Rapid Response. 20 CFR §682.320 details what Layoff Aversion is and appropriate strategies and activities.

Rapid Response collaborates with workforce and economic development partners including, but not limited to, the North Carolina Department of Commerce, the North Carolina Community College System, the North Carolina Department of Health and Human Services, as well as Local Area Workforce Development Boards (WDBs), to provide comprehensive solutions to businesses throughout their lifecycle.

**Action:** Each Local Area WDB must identify a lead Rapid Response Coordinator to ensure partners are included in service delivery and all Layoff Aversion activities. Comprised of Local Area WDBs, NCWorks Career Centers, state Division of Workforce Solutions (DWS) staff and other key partners, it is the expectation that the state's Rapid Response Team will act as coordinator during all layoffs and layoff aversion activities.

I. Rapid Response services are a required activity outlined in the WIOA.

- A. The NCWorks workforce system must provide required Rapid Response services which enable dislocated workers to transition to new employment as quickly as possible following either a permanent closure or mass layoff; or a natural or other disaster resulting in a mass job dislocation. The activities and resources provided are designed to avert layoffs, keeping workers employed, and companies competitive.
- B. The state's Rapid Response Team will provide a toolkit designed to meet the needs of the participants based on the Rapid Response activities.
- C. A Rapid Response Team must be active in each county. The Rapid Response Team must include at a minimum: a member of the NCWorks Career Center staff, an economic development representative, and a Local Area WDB Business Services Representative (BSR). The Local Area WDB Director designates who will be responsible for activities reported to the DWS state Rapid Response Team.

II. Layoff Aversion is one of several required Rapid Response activities the NCWorks workforce system must provide. A layoff aversion strategy helps employers retain a skilled workforce and/or provides workers rapid transition to new employment, minimizing periods of unemployment. Layoff Aversion is a central component of a high-performing business engagement strategy requiring a shared responsibility among numerous partners at the state, regional, and local levels. The intent of Layoff Aversion as a business engagement strategy is to provide business solutions to companies that want to retain jobs and remain competitive. To that end, a business engagement team must be able to identify an at-risk company well in advance of layoffs, obtain executive level commitment to work together, assess the needs of the company, and deliver solutions to address risk factors. Layoff Aversion activities shall include:

- A. The creation and maintenance of an Early Warning Network, by all Local Area WDBs which will be identified in their annual Local Area Plan. The Network must be active in each of the counties within each Local Area WDB's area. Suggested partners in the Network include, but are not limited to: NCWorks Career Centers, local Community Colleges, Chambers of Commerce, the Small Business Technology and Development Centers (SBTDC), local and/or state economic development agencies, and the DWS Business Services Unit.

- B. The development and delivery by Early Warning Networks of customized solutions that result in the aversion of layoffs. These solutions may include, but are not limited to financial restructuring, operations and cost management, new market and product development assistance, development of business plans, financial projections, and financing memorandums, creation of labor-management partnerships, assistance with acquiring new equipment, incumbent worker training program (to skill up existing workers), customized training and credentialing, foreign trade research and contacts, low interest loans and grants, assistance with loans and guarantees, labor force and unemployment data, employment and projected employment data by industry and occupation, population and other demographic data, local economic trends and characteristics, including cost-of-living information, occupational data by target demographics, skill sets by occupation, process improvement, business needs assessment, quality enhancements, risk analysis, supplier development, new product development, introduction of new technologies, Occupational Safety and Health Administration (OSHA) training, and other growth strategies. The Local Workforce Area BSR reports all activities to the DWS Layoff Aversion State Coordinator.
- C. The development and analysis of labor market and industry sector trends, and early warning mechanisms that can alert of problem areas and build the capacity of well-trained staff to build relationships with businesses, labor organizations, and civic leaders.

**Effective Date:** Immediately

**Expiration:** Indefinite

**Contact:** DWS Business Services Unit

**Attachment:** A. NCWorks Rapid Response Business Engagement and Solutions Guide  
B. Layoff Aversion and Rapid Response Tool Kit  
C. Business Edge Process Chart