

Rapid Response COVID-19 Q&A

How should Rapid Response be handled during a crisis such as the Coronavirus (COVID-19)?

Rapid Response is the gateway to the workforce system. Rapid Response teams are flexible, agile, and work closely with struggling/declining businesses to provide the best solutions to help transition their workforce. During a crisis, the N.C. Department of Commerce and its NCWorks partners can provide Rapid Response services virtually.

Has the Rapid Response process changed with WARN notices?

No, the process has not changed. The state will initially respond to all notices filed in compliance to the Worker Adjustment and Retraining Notification (WARN) Act, regardless of the size of the layoff or closure. If the layoff impacts 100 or more employees, then the state will take the lead. If the impact is less than 100 employees, and only after the state has made initial contact, the response will be turned over to the local workforce development board to coordinate services.

What's the procedure if the business has made a general announcement of layoff/closure that results in the loss of 100 or more jobs?

In general, the state team should be notified to coordinate rapid response services for any announced layoff/closure that impacts 100 or more employees. The state will make the initial contact with the business and is dependent upon the relationship the local team has developed. The local team will need to provide the state with accurate contact information to connect with the business. In crisis situations, however, layoffs may occur quickly, and local teams are encouraged to take the lead and simply notify the state of the actions that were taken.

What type of virtual platforms are available?

NCWorks partners will first explore what types of resources/means that the employer already has to set up conference calls and virtual meetings,. If those are not readily available, the N.C. Department of Commerce and NCWorks partners will use GoToMeeting, for which the state has a large number of licenses.

Are state Rapid Response materials available virtually?

Yes, virtual Rapid Response materials are located at www.ncworks.gov. From the homepage, under "Resources & Services," select "Workforce Transition and Community Assistance."

What type of Rapid Response services are provided to businesses that plan to temporarily lay off employees and recall them once the crisis subsides?

Information on registering for work and how to file a claim for Unemployment Insurance (UI) Benefits. There are two ways to file a claim for UI: filing online by visiting <https://des.nc.gov/> or contacting the customer call center at 888-737-0259. [Question from Andrew: would info not also be provided on other public services that might help the employees make ends meet for a few months?]

What type of assistance is available for businesses to help with the loss of revenue they are experiencing?

The US Small Business Administration's (SBA) online application for Economic Injury Loan offers up to \$2 million in assistance and can provide vital economic support to help overcome the temporary loss of revenue they are experiencing. These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact. Businesses are encouraged to apply online at <https://disasterloan.sba.gov/ela/> or call the SBA at 1-800-659-2955.

Does the Governor's Executive Order No. 118 that unlocked unemployment benefits during a health crisis pertain to only employees that have separated from the restaurant and hospitality industries?

No. Any business, including those that have been secondarily impacted due to the crisis, falls under the Executive Order and their experience rating tax account will not be charged. [Question from Andrew: is this correct? Could there not be businesses that hypothetically are laying people off due to something unrelated to the crisis? Do businesses have to demonstrate impact?] Businesses should complete the Request for Separation Information in a timely manner, so their employees may immediately begin to receive benefits. The required waiting week period has been waived, employees do not have to be able or available for work, nor do they have to satisfy the work search requirements.

Are employees on temporary layoff considered dislocated workers for the purposes of the Workforce Innovation and Opportunity Act (WIOA)? If

Yes, category 3 states, ...“has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise.” Executive Order No. 118 should suffice as a letter of termination or the customer can complete self-attestation.

Should businesses covered by the Worker Adjustment and Retraining Notification (WARN) Act provide 60-day notice for a temporary layoff?

Businesses are not required to provide 60-day notice if the temporary layoff is less than 6 months.

Are there exceptions to the WARN Act if a covered business plans to permanently layoff or close due to health crisis?

Yes, a business may use the exception of unforeseeable business circumstances caused by COVID-19. Although not required to provide 60-day notice, the business would still need to provide as much notice as possible to their employees.

What is the WARN Advisor?

The WARN Advisor is an interactive online tool provided by the US Department of Labor for businesses to determine if they're covered by WARN: <https://webapps.dol.gov/elaws/warn.htm>

What happens after the crisis if a business is unable to recover and recall their employees from temporary layoff?

The local workforce development board should draft a public service announcement, coordinate group sessions, and provide the full menu of Rapid Response services.