

ETA Coronavirus (COVID-19) FAQs

The Employment and Training Administration (ETA) has developed a Frequently Answered Questions (FAQs) to address questions related to Coronavirus (COVID-19) to help state and local workforce leaders, and other stakeholders and partners to assist the public workforce system during this crisis.

Workforce Innovation and Opportunity Act (WIOA) Rapid Response

Updated as of 4/14/20

(New as of 4/14/20) Q. What is the role of Rapid Response during a disaster? WIOA regulations at section 682.330(f) require “the provision of emergency assistance adapted to the particular layoff or disaster.” Does this give state workforce agencies a way to provide services outside the traditional rapid response services?

Response: Rapid Response provides valuable services during economic transition caused by economic events or by natural or other disasters or emergency events. The regulations at [20 CFR 682.302\(c\)](#) require Rapid Response services to be delivered in cases of a “mass job dislocation resulting from a natural or other disaster.” When such “mass dislocation” occurs, the regulations require “the provision of emergency assistance adapted to the particular layoff or disaster.” ([20 CFR 682.330\(f\)](#)). Though states must provide this emergency assistance, how it is carried out is left to the discretion of the state and can be determined by need.

The Rapid Response regulations at [20 CFR 682.340\(a\)](#) provide significant flexibility to states to address situations with responses that were not foreseen by the regulations. This subsection reads as follows: “in order to conduct layoff aversion activities, or to prepare for and respond to dislocation events, in addition to the activities required under §682.330, a State or designated entity may devise rapid response strategies or conduct activities that are intended to minimize the negative impacts of dislocation on workers, businesses, and communities and ensure rapid reemployment for workers affected by layoffs.” This language provides substantial latitude to states or designated entities to carry out activities, so long as those activities are not otherwise prohibited under WIOA. ETA recommends that states develop policies that promote creative and innovative approaches, and that states document how the specific chosen activities aid in achieving the goal of Rapid Response (preventing or minimizing the duration of unemployment).

Further, [20 CFR 682.340\(b\)](#) reads as follows: “When circumstances allow, rapid response may provide guidance and/or financial assistance to establish community transition teams to assist the impacted community in organizing support for dislocated workers and in meeting the basic needs of their families, including heat, shelter, food, clothing and other necessities and services that are beyond the resources and ability of the one-stop delivery system to provide.”

While such community transition teams are not commonly used, economic transition situations that affect entire communities, such as the COVID-19 outbreak, may present opportunities to organize such teams to address the extraordinary impacts of the crisis. State Rapid Response teams have the flexibility to organize such teams. However, such activities should always ensure the safety and health of all team members and following the safety and health instructions of state or local leaders should be a priority.

Q. Should states continue to provide rapid response services for any layoff event impacting 50 or more employees in light of COVID-19?

Response: States should continue to provide Rapid Response information to affected employees. However, this information can be shared electronically, such as in webinars. States have flexibility to provide this information through virtual or other limited in-person means. States should consult CDC guidance and local government directives about large gatherings.

Workforce Innovation and Opportunity Act (WIOA) Layoff Aversion Activities

Q. Can ETA provide clarifications on the use of funds for layoff aversion?

Response: [Training and Employment Guidance Letter \(TEGL\) 19-16](#) contains information on the use of Dislocated Worker (DW) funds for layoff aversion activities. Section 18 of the TEGL covers the Rapid Response program and how Rapid Response funds can and should be used to conduct layoff aversion activities. In addition, DW funds may be used for incumbent worker training (see section 13 of the TEGL). Additionally, states have the flexibility to utilize the Governor’s Reserve to conduct layoff aversion activities.

Q. Can WIOA Adult funds be used to support layoff aversion activities?

Response: A state may use up to 25% of their Dislocated Worker allotment to provide Rapid Response activities, which can be used for layoff aversion activities. States may also leverage the Governor’s Reserve to conduct additional rapid response activities. At the local level, Boards may use up to 20% of their combined adult and dislocated worker funds to provide incumbent worker training, which can be used for layoff aversion. ETA will consider waivers of this 20% cap as needed. Individuals involved in layoff aversion activities who meet program eligibility requirements may be served by the Adult and Dislocated Worker programs. States may approve transfers of up to 100% of adult and dislocated worker funds.

Q. Can On-The-Job Training (OJT) funds be used for layoff aversion activities for current workers in the same company?

Response: Employed workers may be eligible for WIOA-funded OJT if the requirements of [20 CFR 680.710](#) are met. Additionally, rapid response or statewide WIOA funds may be used for layoff aversion activities including incumbent worker training. See TEGL 19-16, Section 18 for current flexibilities related to rapid response activities. States and local areas may also utilize incumbent worker training for layoff aversion activities as discussed in TEGL 19-16 Section 13.