

**NON-FINANCIAL
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY
AND
THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS
OFFICE OF WORKFORCE OPPORTUNITY
TO
APPORTION AND COORDINATE ADMINISTRATION OF
SUBCHAPTERS B, C AND D OF CHAPTER 2 OF
TITLE II OF THE TRADE ACT OF 1974, AS AMENDED BY
THE TRADE ADJUSTMENT ASSISTANCE REFORM ACT OF 2002
AND
THE TRADE ACT OF 2009, 19 USC 2251 *ET. SEQ.*
WITH
TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT
29 USC 2801 *ET. SEQ.***

I. INTRODUCTION

ONE-STOP EMPLOYMENT SERVICES/WIOA

- A. The Workforce Investment Act (WIA) of 1998, P.L. 105-220, formally amended the Wagner-Peyser Act to require that public employment services be provided as part of the One-Stop delivery system. The original intent of the WIA was to consolidate and coordinate federally funded employment and training activities. The WIA required states to eliminate duplication of these services, and create more convenient and user-friendly customer access to all employment and training information in the one-stop environment. The WIA further required each state to prepare a five-year strategic plan for delivering these services.
- B. As of October 1, 2009, Governor Lynch transferred the WIA responsibilities of the Workforce Opportunity Council, Inc. to the New Hampshire Department of Business and Economic Affairs (BEA). This made the latter responsible for implementing the State's WIA plan.
- C. Under WIOA, signed into law on June 22, 2014, Wagner-Peyser public employment service funding was maintained in a separate stream, but directed to be

coordinated with other employment and training activities. According to WIOA, the State agency authorized by the Governor to administer Wagner-Peyser Act funds (New Hampshire Employment Security in New Hampshire) was to coordinate delivery of services with One-Stop partners in accordance with the state's five-year strategic plan. New Hampshire crafted its five-year plan incorporating mandatory and voluntary WIOA partners. This unified plan includes all job search, placement, recruitment, labor employment statistics, and other One-Stop Employment Services as part of the one-stop delivery system.

TRADE ACT

- D. The Trade Adjustment Assistance (TAA) program for workers was created by the Trade Act of 1974 (Trade Act). The Trade Act has been amended several times since its initial enactment. The TAA Reform Act of 2002, P.L. 1007-210, was signed into law on August 6, 2002. It repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program, reauthorized the TAA program, and implemented reforms to the TAA program. These reforms expanded the program's coverage and provided an opportunity to ensure that effective strategies are utilized to help trade-affected workers obtain new employment.
- E. It is essential that the U.S. Department of Labor (USDOL), States, and Commonwealths work together to move trade-affected (referred to in the Trade Act as "adversely affected") workers into new jobs as quickly and effectively as possible so that they continue to be productive members of the workforce. To this end, the intervention strategies used for program benefits and services will be aimed toward rapid, suitable, and long-term reemployment for adversely affected workers. Under the Trade Act, as amended by the TAA Reform Act, the State of New Hampshire through the Department of Employment Security must:
1. Increase the focus on early intervention, upfront assessment, and reemployment services for adversely affected workers;
 2. Use One-Stop Career Centers as the main point of participant intake and delivery of benefits and services; ND
 3. Maintain fiscal integrity and promote performance accountability.
- F. By agreement dated July 22, 2004, the New Hampshire Department of Employment Security (NHES) has been designated the agent of the United States in receiving applications from workers for the TAA training (including applications for training agricultural commodity producers under the TAA for farmers program), the alternate TAA program for older workers (ATAA/RTAA), job search and relocation allowances, subsistence payments, transportation payments, ATAA/RTAA payments, and Trade Readjustment Allowances (TRA) under the Trade Act, and in providing

services and making payments as provided for under the Trade Act. With the Trade Act of 2009, a provision was made for the delivery of Case Management & Reemployment Services under the Trade Act where before these services were funded under Wagner-Peyser. These services include: Assessment tests; skills transferability analysis; development and provision of labor market information; and information on available training, including provider performance and cost information. This list is not intended to be all inclusive.

- G. Under this agreement NHES as administrator of the TAA program benefits and services under Section 236 and 290(d)(1) and (2) of the Trade Act of 1974, as amended, and BEA as administrator of the programs under Title 113 of the WIOA must enter into an inter-agency agreement to ensure coordination of, and avoid duplication among, the activities identified at Section 12(b)(8) of the WIA.

II. PARTIES

The Parties to this MOU are:

New Hampshire Department of Employment Security
45 S. Fruit Street
Concord NH 03301

and

New Hampshire Department of Business And Economic Affairs
Office of Workforce Opportunity
172 Pembroke Road
Concord NH 03301

III. GENERAL RESPONSIBILITIES

The NHES and BEA, in order to carry out the worker adjustment assistance provisions of Subchapters B, C and D of Chapter 2 of Title II of the Trade Act of 1974, 93-618, as amended; the provisions of the Subchapters 11, Parts III and V of the WIOA, P.L. 105-220; and to assure that services provided within the One-Stop delivery system under these two programs do not overlap resulting in duplication of services agree as follows:

- A. This agreement is entered into under the authority of Section 239 of the Trade Act (19 USC 2311) and Chapter I, Section 12 of the WIA (29 USC 2822). This agreement supersedes and modifies all prior agreements (and modifications thereof made from time to time) between NHES and BEA, specific to the coordination of TAA and WIOA services.
- B. NHES will administer all Trade Act Programs assigned to it under its agreement with the US DOL dated July 22, 2004.

- C. BEA will administer all WIOA programs assigned to it under Executive Order 2001-1 or subsequent authority.
- D. The TAA program will be the primary source of assistance to adversely affected workers. NHES and BEA also agree that to the extent trade certified workers enrolled in the TAA program require assistance or services not authorized under the TAA program or assistance or services for which TAA program funds are unavailable or insufficient, such assistance will be made available under Title IB of the WIOA, to the extent that BEA can provide or arrange for such assistance in accordance with the terms of the local memoranda of understanding established under WIA Section 121(c).
- E. Additionally, for dually enrolled customers, before WIOA Title I funds are used for training, the training must be approvable under Section 236(a) of the Trade Act and the regulations and operating guidelines of the US DOL. NHES and BEA will cooperate with the US DOL and, other State and Federal Agencies in providing payments and services in accordance with the provisions of the Federal Trade Act.
- F. In order that the benefits and services administered by NHES under the Trade Act (19 USC Subchapters II, III and JV) as amended do not overlap nor duplicate programs and activities administered by BEA identified at Section 112(6)(8) of the WIOA. NHES and OWO will:
 - 1. Conduct joint Rapid Response activities consistent with the Rapid Response Partner services agreement, which requires each partner to attend formal rapid response sessions coordinated by the local Dislocated Worker unit.
 - 2. Conduct joint TAA/WIOA Orientation sessions designed to inform potential participants about the myriad of services available through the unique funding sources.
 - 3. Local teams will develop a customer flow agreement to assure that information regarding profiles of laid off workers, assessment and/or analysis of training needs and support services needed to successfully complete training are coordinated to the best benefit of the customer. Dually enrolled customers will be asked to sign a release of information form as part of either partner's intake process that allows for the sharing of all pertinent information, reducing the need for the customer to supply information more than once, and the potential for duplication of services to the customer.
 - 4. Local teams will coordinate case management activities for dually enrolled participants using the Job Match System and WIOA TEAMS case management function to record information, to ensure consistent support throughout the participant's time in the program. Specific follow-up

services, including job placement assistance will be coordinated between the counselors assigned to the customer, and planned to maximize limited staff time and resources.

IV. CONTACTS

NHES

Jeri Jewell, Trade Act Co-ordinator

45 S. Fruit Street
Concord, N.H 03301
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Department of Business and Economic Affairs

Jaqueline Heuser, WIOA Director

Division of Economic Development/Office of Workplace Opportunity
172 Pembroke Road
Concord NH 03301
Tel: (603) 271-0337

V. CONFIDENTIALITY

- A. The Parties may, during the term and for the purpose of effectuating the goals and purposes of this Agreement, disclose to each other, or each other's authorized employees, certain personally identifiable information concerning individuals served or eligible to be served under the HVRP.. The Parties acknowledge that such information may be confidential and subject to restrictions on disclosure under relevant law; and will use best efforts to respect the privacy and confidentiality of all clients and to comply with all federal and state statutes and regulations governing the disclosure of such confidential information.
- B. Dually enrolled customers will be asked to sign a release of information form which is compliant with 20 C.F.R. 603.05as part of either partner's intake process that allows for the sharing of all pertinent information, reducing the need for the customer to supply information more than once, and the potential for duplication of services to the customer.
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VI. TERM OF MOU

The term of this Memorandum of Understanding is for a period of three (3) years **beginning on the date the MOU is executed by both Parties**. It may be renewed for additional periods upon the mutual written agreement of the parties and subject to availability of funding.


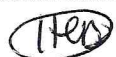
VII. CONDITIONS

Conditions and responsibilities outlined in this agreement are subject to continued grant funding and availability of State resources. Either party may, with thirty (30) days advance written notice to the other party, terminate if funds are no longer available to carry out this agreement.

In witness whereof, the parties have caused this Memorandum of Understanding to be executed.


NEW HAMPSHIRE DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS:

Dated: 9/14/18

By: 
Taylor Caswell, Commissioner


NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY:

Dated: 9/25/18

By: 
George N. Copadis, Commissioner