



A proud partner of the AmericanJobCenter network

NH Rapid Response

Non-Financial Memorandum of Understanding (MOU)

July 1, 2019 – June 30, 2023

SECTION I: OVERVIEW

New Hampshire Rapid Response is defined by the strength and depths of its partnerships. Its network of State, local and community partners are diverse, innovative and compassionate. The magnitude of its reach can be felt from the state line in southern New Hampshire to the most northern border touching Canada.

Rapid Response is a complex, challenging, and invaluable resource. The extensive collaboration between multiple, separate and state and federal agencies, private entities, and community supports has proven invaluable to NH companies and their workers. Rapid Response customers have benefitted immensely from the partnerships with economic development activities, apprenticeships and incumbent worker programs, Trade Act programs, and numerous other reemployment programs. Partner assistance has also provided vocational health, financial and educational resources and supports to workers and their families. The experience and dedication of the Rapid Response Partners, State and Local Teams, and Federal supports has consistently allowed for the highest degree of quality and service delivery to participants throughout New Hampshire.

Definitions

- a. Rapid Response: Rapid Response is a national initiative funded by the U.S. Department of Labor that provides comprehensive and collaborative services to help businesses prepare for and manage layoffs or closures, and provides immediate, on-site transitional services for workers to minimize the impact of such events and help them obtain new employment as quickly as possible.

In addition to the on-site services provided through response for layoff and closure events, Rapid Response provides an ongoing, comprehensive approach to identifying, planning for and responding to layoffs, and preventing or minimizing their impacts whenever possible. To ensure high quality and maximum effectiveness, successful Rapid Response strategies include at least the following:

- Informational and direct reemployment services for workers;
- Solutions for businesses in transition (growth and decline);
- Convening, facilitating, and brokering connections, networks, and partners; and

- Strategic planning, data gathering and analysis designed to anticipate, prepare for, and manage economic transition.
- b. **Rapid Response Activities:** Rapid Response activities are defined as those activities that include initial contact with the affected company including all state and federal Worker Adjustment and Retraining Notification Act (WARN) activities, company fact-finding activities, layoff-aversion activities and contact with and coordination of the local Rapid Response Team for the purpose of planning and implementing Rapid Response information sessions as defined in this document.
 - c. **Employee Retention Activities:** Employee Retention activities are defined as those which include contact with a company when the company is faced with issues that could impact their workforce. Casual issues and possible solutions are assessed, alternatives to layoffs are discussed and guidance is offered regarding working and communication with the workforce during difficult times. Employee Retention is an integral element of Rapid Response activities.

Purpose

The purpose of this document is to provide an understanding of the NH Rapid Response Process and to outline joint partners' roles in providing important NH Rapid Response activities to affected dislocated workers. These procedures incorporate elements of flexibility and accountability into the NH Rapid Response Process so that an effective and timely early intervention response can be offered to affected workers, and responsibility for delivery of these services can be assigned.

SECTION II: RAPID RESPONSE ROLES AND RESPONSIBILITIES

State Dislocated Worker Unit Administrator (DWUA)

The State Dislocated Worker Unit Administrator (DWUA) oversees the operations of Rapid Response activities. The DWUA reports to the Director of the Office of Workforce Opportunity. The DWUA works directly with the Division of Economic Development (DED) Business Resource Specialists to compile timely and relevant reports to the Director; is responsible for the design and production of reports; Dislocated Workers packets, and other public and internal documents and reports; and notification to employers regarding State and Federal WARN Act laws and related information.

Division of Economic Development (DED) Regional Business Resource Specialists

The DED Regional Business Resource Specialist(s) is the primary liaison with affected employers experiencing a layoff(s) during the initial development and deployment of rapid response informational sessions.

The DED Regional Business Resource Specialists are responsible for making the initial contact with any company facing a major layoff, plant closing or other similar mass job dislocation for the purposes of:

1. Soliciting employer buy-in and timely commitment to helping affected dislocated workers,
2. Working with a local Rapid Response team from NH Works partners to arrange a meeting(s) of affected employees for the purpose of describing available services,

3. Facilitating the Rapid Response meeting and introducing partner presenters, and
4. Collecting/updating the information needed to complete a “Fact Finding Report” and RR follow-up report.

When applicable, these activities should be done at an on-site meeting with company officials. The Regional Business Resource Specialists are also responsible for ensuring that results of the fact finding research will be sent via email to members of the local Rapid Response Team, the Office of Workforce Opportunity State Director, the NHES Operations Director and/or others as deemed appropriate.

Rapid Response policy will follow Home Land Security procedures (EFS 20) in the event of a natural and/or national disaster.

Local Rapid Response Team (Local Dislocated Worker Unit)

Local Rapid Response teams are comprised of partner agency personnel in the affected NH Works/American Job Center as well as other agencies and organizations as necessary. Required partners include:

- The DED Regional Business Resource Specialist
- Local NHES Manager
- Workforce Development Coordinator

When appropriate, the following additional partners and relevant agencies and/or organizations may be included:

- Department of Education: NH Vocational Rehabilitation
- NHES Trade Act staff
- Labor union representative (if a collective bargaining unit is affected)
- Managers or designated representatives of other partner agencies (e.g., Health and Human Services)
- Affected company representative
- Local officials
- NH or US Department of Labor
- NHES LMI staff (economic data input)
- Community College representation

The responsibilities of the Local Rapid Response Team(s) include the delivery of services at the local level. Among the activities they will undertake are the following:

- Participate in the presentation of information and distribution of Dislocated Worker packets AND Rapid Response Worker Surveys to affected dislocated workers (both Rapid Response meeting attendees and non-attendees).
- Plan and coordinate any allowable initial services necessary to assist affected dislocated workers.

State Rapid Response Team (State Dislocated Worker Unit)

In the event of major layoffs and/or closures impacting a community or region's economy and workforce, including Natural Disasters the State Rapid Response Team, shall take action. Appropriate to the level and/or nature of a dislocation, the Dislocated Worker Unit Administrator will convene a partner meeting comprised of policy level decision makers from core partners and others as needed. This meeting may include, but shall not be limited to:

- The Governor's Office staff
- Chair, Statewide Workforce Board
- Department of Business and Economic Affairs
- NH Employment Security
- NH Department of Labor
- NH Department of Health and Human Services
- NH Department of Education: NH Vocational Rehabilitation
- NH Community Action Agencies
- Area elected officials
- Labor-Management Committee (if applicable)

The responsibility of the State Rapid Response Team is to develop strategy and identify resources to determine needed services and the most efficient delivery of services.

In the event of a Natural Disaster, the DWU shall convene partners immediately to coordinate a comprehensive response specific to the emergency situation. The work of the DWU shall include activities necessary to plan and deliver services to enable dislocated workers to transition to new employment as quickly as possible, following a natural or other disaster resulting in a mass job dislocation. The State DWU shall plan and perform these Rapid Response activities and establish methods by which to provide additional assistance to local areas that experience disasters or other dislocation events when such events substantially increase the number of unemployed individuals. As appropriate, the DWU shall follow guidance provided in the NHES Insurance (UI) Information Technology (IT) Continuity of Operations Plan, which details procedures for preparing alternate sites and associated activity-specific plan and procedures to help ensure the safety of personnel and to allow essential staff to continue mission critical operations. In the event of a Natural Disaster, Rapid Response will follow Home Land Security procedures (EFS 20).

Office of Workforce Opportunity Lead Role

The Statewide Rapid Response lead is the Dislocated Worker Unit Administrator (DWUA). The DWUA oversees the operations and implementation of the initial NH Works/American Job Center Rapid Response services and activities described in the NH State Workforce Plan and the related Non-Financial Memorandum of Understanding (MOU). The DWUA reports to the Director of the Office of Workforce Opportunity.

The DWUA has a primary responsibility for convening and chairing the meeting of policy level decision makers (see above); consultations regarding Rapid Response for general or company-specific concerns and issues; answering all media questions regarding the Rapid Response activities; updating the

Governor's Office and partners on the status of the dislocation; reporting data to appropriate state and federal agencies and personnel and to the state level team.

Working with local NH Works partners as well as appropriate federal, state and local officials and agencies, the DWUA will supervise development of prospective strategies for addressing dislocation events and ensuring rapid access to the best range of allowable assistance.

Rapid Response and Employee Retention Information Materials

Rapid Response Guides and new technologically appropriate methods of providing information will be the responsibility of the Office of Workforce Opportunity.

The DED Regional Business Resource Specialists will be responsible for collecting information from partner agencies and other resources, and determine which materials will be provided to dislocated workers and/or employees as applicable.

SECTION III: RAPID RESPONSE PROCEDURES

In general, a minimum of twenty-five (25) workers must be affected to trigger the full engagement of the local Rapid Response team in response to a local layoff (i.e., formal rapid response information sessions), with consideration given to available resources in the local NH Works/American Job Center. When the number of affected workers is less than twenty-five (25), the workers will be provided with Rapid Response Guides and referred to local NH Works/American Job Center offices for re-employment services.

It is important that NH Works personnel contact the DED Regional Business Resource Specialist when they become aware of layoff activity (announced or rumored). The DED Regional Business Resource Specialist will confirm the activity and clarify the information to share with the local are Rapid Response team. This messaging procedure will reduce the likelihood of inaccurate rumors and enhance the effectiveness of coordinated communication.

Worker participation is critical to the success of the readjustment process and is ensured when employer cooperation is an early and collaborative part of the process. To achieve the highest level of worker participation, the DED Regional Business Resource Specialist will contact company officials to:

- a) confirm the information regarding layoff or closure activity,
- b) describe NH Rapid Response services, and
- c) request a list of dislocated workers with contact, occupational, and profile information, if available, to share with the local NH Works office staff

In the event of a layoff or closure of 25 or more workers, in addition to the steps listed above, the DED Regional Business Resource Specialist will request input from the company to:

- d) complete a Rapid Response Fact Finding Report, and
- e) arrange for onsite Rapid Response Information Session(s)

Receipt of a state or federal WARN Act by any personnel shall immediately be forwarded to the NH Commissioner of Labor, with copies to the Commissioner of Business and Economic Affairs, the State Director of OWO, and the Commissioner of Employment Security. No other actions including contact with the filing employer, shall be initiated without authorization.

The NH Department of Labor shall maintain a list of all state and federal WARN Act notices received.

Rapid Response services are utilized for every worker group that files a Trade Adjustment Assistance (TAA) petition. Once a company has been certified for TAA, if the worker information has not already been obtained, NHES contacts the certified company in order to request a layoff list with addresses, separation date, etc. Upon receipt of the layoff list, the information is loaded into NHES' database and a letter advising workers of certification is immediately sent. Benefits Information Sessions are scheduled by NHES staff and all adversely affected workers are invited to attend through a direct mailing. A comprehensive overview of the benefits and services is given and NHES staff schedule one-on-one assessment interviews with workers at that time. A WIOA staff person is also invited to attend the sessions to describe the benefits of co-enrolling in WIOA funded programs.

Rapid Response Informational Meetings

A Rapid Response Information Session will be offered to dislocated workers in a timely manner, preferably, on site at the company. The information session, whenever possible, should not be held on the day of the notification. Alternative neutral sites may be utilized when onsite meetings are not feasible or permitted. It is the responsibility of the Rapid Response team to ensure workers are given an opportunity to attend a Rapid Response Information Session in the absence of employer involvement.

The main purpose of the Rapid Response Information Session is to inform workers of the availability of re-employment services. The meeting also helps workers cope with the emotional, financial and job-hunting stresses that accompany unemployment.

Rapid Response informational meetings are facilitated by the DED Regional Business Resource Specialist. Each required partner agency provides a general overview of the specific services they provide. Other partners may be invited to participate if it is determined by the DWUA that such participation would be of direct benefit to the affected workers. In general, third party entities with a direct financial and/or competitive gain will not be allowed to participate in Rapid Response informational sessions.

The DED Regional Business Resource Specialist will:

- Open the session and distribute the Rapid Response Guides
- Provide a brief overview of Rapid Response
- Introduce and moderate the panel of presenters
- Identify other partner agencies and programs of NH Works

NOTE: When a local required Rapid Response team member cannot attend a scheduled Rapid Response informational session, it is the responsibility of the team member to enlist a replacement who will represent the agency.

The NHES Representative will:

- Explain how to access Unemployment Compensation Benefits
- Distribute relevant UI information not contained in the Rapid Response Guide
- Provide NH Works/American Job Center locations and NHES web site
- Discuss available Employment Services and available workshops

The Community Action Agency Representative will:

- Explain available Workforce Innovation and Opportunities Act (WIOA) services
- Distribute and collect completed Worker Surveys and Sign-in sheets
- Provide general information on local resources
- The extent feasible, contact workers who attended Rapid Response Sessions and completed Dislocated Worker Surveys to encourage workers to access services through NH Works, including participation in WIOA funded services

SECTION IV: NH WORKS CONSORTIUM SIGNATURES

The NH Works Consortium members below endorse the attached Rapid Response Non-Financial Memorandum of Understanding and agree to abide by its provisions effective July 1, 2019 through June 30, 2023.

NH Employment Security George Copadis
Commissioner _____

NH Division of Economic
Development/OWO Will Arvelo, Director _____

NH Health & Human
Services Chris Tappan,
Associate Commissioner _____

NH Department of
Education Christine Brennan, Deputy
Vocational Rehabilitation Director _____

Community College System
of New Hampshire Charles Ansel,
Associate Vice Chancellor _____

Community Action
Association – Southern NH
Services, Inc. Donnalee Lozeau,
Executive Director _____