

ATTACHMENT H

KOG RAPID RESPONSE

MEMORANDUM OF UNDERSTANDING

REGION 1 WORKFORCE INVESTMENT BOARD

921 W. Neville Street, Suite 100
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MEMORANDUM OF UNDERSTANDING

between the

REGION 1 WORKFORCE INVESTMENT BOARD

and the

REGION 1 WORKFORCE WV GOVERNANCE CONSORTIUM

and the

KEYS TO ORGANIZATIONAL GROWTH, INC.

and the

REGIONAL EDUCATION SERVICE AGENCY I (fiscal agent)

for

RAPID RESPONSE

This agreement is made and entered into by the Region 1 Workforce Investment Board, hereinafter referred to as R1WIB; the Region 1 WORKFORCE WV Governance Consortium, hereinafter referred to as GC; Keys to Organizational Growth, Inc., hereinafter referred to as the One-Stop Manager; and the Regional Education Service Agency I, hereinafter referred to as RESA-I, serving as fiscal agent for GC.

WHEREAS: The goal of the parties is to agree to partner together in providing services for Rapid Response services for the Region 1 Workforce Investment Board, hereinafter referred to as R1WIB, through their One-Stop Centers located in eleven (11) counties which are: Fayette, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster and Wyoming; and

WHEREAS: The One-Stop Manager will manage all services provided through these One-Stop Centers and satellite offices as directed by the GC under the authority of the R1WIB; and

WHEREAS: The partners will coordinate resources to prevent duplication of fund utilization and to ensure effective and efficient delivery of services in the areas served by the R1WIB; and

WHEREAS: The partners of this Memorandum of Understanding will work accordingly to be responsive to R1WIB's recommendations and to maintain communication with R1WIB and other partners on related information concerning Rapid Response services; and

NOW, THEREFORE BE IT RESOLVED that, when signed, this constitutes a proper agreement between the parties for the purpose of staffing and funding for Rapid Response services.

ARTICLE I

FUNDING

RESA-I, acting as the fiscal agent for the GC (grantee), agrees to utilize the funds authorized under WIA and provided by R1WIB to reimburse for staff costs and other costs associated with the Rapid Response Program (Attachment I-A).

The parties reserve the right to "rent" staff thereby preserving certain employee earned fringes.

ARTICLE II

RESPONSIBILITIES OF EACH PARTNER

It is understood and agreed by all parties to this MOU that the Rapid Response staff will be under the authority of the One-Stop Manager for all intents and purposes to carry out the vision and responsibilities as prescribed by the GC and R1WIB (Attachment I-B).

The One-Stop Manager agrees to provide oversight and direction to all employees (regardless of employing agency) to accomplish the tasks as outlined by the GC and R1WIB for the completion of the deliverables as outlined in Attachments I-A and I-B. RESA-I agrees to allow the One-Stop Manager the authority and supervision of staff associated with these deliverables and associated tasks.

The R1WIB will look to the GC for all oversight, exception, and performances. The GC does not, by virtue of the MOU relinquish its authority and/or responsibilities to the R1WIB for Rapid Response activities as a core One-Stop service.

ARTICLE III

CONTINUATION AND CANCELLATION

This MOU serves the purpose of renewing, extending, and modifying the Rapid Response contract and its amendments and modifications previously agreed to for a period of twelve (12) months commencing on July 1, 2005. The referenced contract is an integral part of this MOU and serves as the basis for this MOU and its deliverables and is on file in R1WIB office.

This agreement may be cancelled either on the performance specific staff failures or upon overall non-performance with 60 days written notice of such intent. If a corrective action plan is implemented, the agreement may be cancelled within 30 days if improvement outlined in said plan is not met. This agreement may be continued beyond its expiration only by agreement of the parties. Any agreement to extend this Agreement must be in writing and signed by all parties.

ARTICLE IV

INVALID PROVISION

The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and the Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

ARTICLE V

ENTIRE AGREEMENT

This Agreement embraces all of the promises, conditions and understanding between the parties hereto concerning Rapid Response staff funding/supervision. This Agreement may be modified and changed only by an instrument in writing signed by all parties.

ARTICLE VI

DURATION

This agreement shall become effective on the 1st day of July, 2005, and continue in effect until the 30th day of June, 2006 or until it is replaced or cancelled pursuant to Article III.

We, the undersigned, enter into this Agreement on this ____ day of _____, 2005.

Donna O'Neill, Chair
Region 1 Workforce Investment Board

Carol Morgan, Executive Director
Regional Education Service Agency I
Acting as Fiscal Agent for the GC

David Coccari, Chair
WORKFORCE WV Governance
Consortium

Craig Palmquist, CEO
Keys to Organizational Growth, Inc.

Attachment I-A: Budget
Attachment I-B: Statement of Work (Goals)
Attachment II: Assurances

**Attachment I-A
Fixed Price Budget (July 1, 2005-June 30, 2006)**

FY05 Rapid Response

<i>Object</i>	<i>Prog/Func</i>	<i>Description</i>	<i>Allocation</i>	
Fund 14				
111	61691	Salary: Professional	75,000	2 FTEs
211	61691	Insurance: H&A	13,646	
212	61691	Insurance: Dental	1,200	
213	61691	Insurance: Optical	1,000	
221	61691	Social Security (7.65%)	5,738	
232	61691	Retirement II (7.5%)	5,625	
251	61691	Unemployment Comp	180	
261	61691	Workers Comp (2.67%)	1,673	
341	61691	Other Professional		
432	61691	Maintenance: Equipment	3,000	
441	12621	Rent	14,800	
442	61691	Leased: Equipment	5,100	
522	61691	Insurance: Vehicle	1,400	
531	61691	Postage	8,000	
532	12621	Telephone	3,000	
551	61691	Printing/Copier	3,000	
582	61691	Travel	35,000	
611	61691	Supplies	6,000	
	61691	Other	2,000	
911	76191	Indirect Costs (8%)	14,829	

		TOTALS	\$200,190
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**Attachment I-B
Statement of Work**

Employer Services / Rapid Response

The Region 1 Workforce Investment Board will deliver a Rapid Response Program comprehensively to the Region 1 Counties of Fayette, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster, and Wyoming. The delivery of these services will be based on the Workforce Investment Act of 1998, Sections 132 and 134, CFR 665.300 through 665.310.

In order to continue providing these comprehensive services, a combination of methods will be implemented. Rapid Response work stations established at the extreme geographical locations of Region 1 B Summersville, Nicholas County; Princeton, Mercer County are operational. These methods and activities will be coordinated with the Rapid Response Unit of the Governor=s Workforce Investment Division for all Rapid Response situations.

Staffing for this project will include the following strategically placed individuals:

- < Coordinator
- < Dislocated Worker Center Instructors
- < Support Staff
- < Rapid Response Specialists

These individuals will link together the partnering agencies in the WORKFORCE West Virginia Career Centers and ensure that duplication of services does not exist.

The need for a skilled workforce remains a priority with employers in Region 1. It is becoming increasingly difficult to secure trained workers that are able to enter or reenter the workforce without training, retraining, or more intensive involvement.

Involuntary job loss can be one of the most stressful events in a person=s life. The impact on a person=s sense of worth and self-esteem can be devastating. Many people suffer depression, decreased life satisfaction, increased social isolation, and feelings of powerlessness. This experience leads to feelings of apathy, passivity, and resignation. The types and amounts of support offered by the company and community during layoffs are critical to reducing the severity of the initial impact on the employee. This support also increases the chances of the employees successfully adjusting and securing new employment.

The proposed program will be created to provide comprehensive rapid response services to both businesses and job seekers. An emphasis will be placed on early intervention with transitional services to employees, companies, and communities. Employment, re-employment and lay-off aversion, customized services, information regarding Unemployment Insurance, labor market information, strategies for re-employment, dislocated worker center resource services, America=s Job Bank, labor management committees, other available services, such as Trade Act, Children=s Health Insurance Program, credit counseling and skills attainment opportunities will be key components of the program.

GOALS

GOAL 1: Establish the partnership of the WORKFORCE West Virginia Career Centers, Region 1 Economic Development Authorities, Region 1 Business Services Unit, and the Rapid Response Team to deliver Rapid Response services.

The WORKFORCE West Virginia Management Consortium is a well-defined local entity that has been operational for more than two fiscal years. This five-member committee consists of representatives from Vocational Education, Adult Basic Education, the Division of Rehabilitation Services, the Bureau of Employment Programs, and the Higher Education Policy Commission. They are chartered as the One-Stop Delivery System operation for Region 1. The utilization of the WORKFORCE West Virginia Management Consortium will ensure consistent, continuous, and seamless delivery of services to Region 1.

The Region 1 Economic Development Authorities are charged with the responsibility to provide leadership for all economic development activities in Region 1. This responsibility encompasses development of infra-structure including labor force and retention of the existing industry base.

A partnership between the WORKFORCE West Virginia Management Consortium, Inc., and the Region 1 Economic Development Authorities will serve to enhance the efforts of Region 1 WORKFORCE West Virginia and economic development organizations in the eleven county region.

GOAL 2: Establish a Memorandum of Understanding with the Bureau of Employment Programs Employer Advisory Council showing collaboration.

A Memorandum of Understanding will be prepared between the Bureau of Employment Programs and the partnership of WORKFORCE West Virginia Management Consortium, Region 1 Workforce Investment Board, and Region 1 Economic Development Authorities. The purpose of this MOU will be to insure seamless services for employers with no duplication of services.

GOAL 3: Continue the Rapid Response Team providing the required program elements.

Rapid Response is a process that provides information and services to employees experiencing job loss. When a layoff is announced, Rapid Response links community services to employees to assist them in securing new jobs.

Rapid Response should occur as soon as the job loss is verified. This verification can be based upon information ranging from a rumor to an official public announcement released by the company. Notification is often received from the employer as a result of the employer complying with their responsibility for the filing of a notice as required by the Worker Adjustment and Retraining Notification (WARN) Act.

In these cases, there is usually a 60-day notice given prior to the employer initiating the closing or layoff. This 60-day period permits the Rapid Response Team to arrange for the provisions of WIA and other services while the employees are still employed. The 60-day window permits Rapid Response staff not only to provide information about the programs and services available, but also to better mobilize and coordinate assistance adapted to the specific layoff or closure. On-site contact with the employer and employee representatives will occur within 48 hours of the local Rapid Response Team receiving notification of a current or projected permanent closing or layoff.

Building on success is a time-honored marketing technique. These benefits include:

Rapid Response speeds up outplacement services. By direct employee contact, Rapid Response decreases the time employees are unemployed. This quick re-employment minimizes income loss to the employee and their family. When employees become re-employed, the employer may benefit by reduced unemployment payments/taxes. The community benefits when employees can pay taxes and require fewer community services.

Rapid Response organizes the outplacement activity. Rapid Response oversight and management of outplacement activities enables company staff to concentrate on other activities. These activities may include negotiating severance pay, educational funds, and other resources that can contribute to the Rapid Response program.

Rapid Response helps maintain productivity. Worker productivity and quality can drop when morale decreases. Rapid Response activities help to sustain morale. By offering services, especially on-site, workers can take positive steps to new jobs. Rapid Response participation leads to less absenteeism and

productivity remains high. Additionally, Rapid Response participation can reduce the possibility of employee unrest.

Rapid Response provides a communication path. Rapid Response is a forum for the employer and employees to discuss and develop outplacement strategies. The parties can reach consensus on the best approaches for all concerned. Rapid Response also provides a central information source about jobs, training opportunities and related concerns. This reliable information helps dispel rumors and provides answers to individual questions.

Rapid Response helps deliver services to the employee. Rapid Response establishes partnerships with local organizations. These partnerships are the basis for a comprehensive employee adjustment program. Rapid Response serves as a liaison between employees and service providers and brings a focal point for planning the next step. These next steps are then communicated to the employees.

Rapid Response personalizes services. Rapid Response fosters a case management approach to training and outplacement. Each employee's needs and interests are assessed. The employee then selects services to meet those needs. Assistance is tailored to meet individual circumstances.

Rapid Response is the right thing to do. Company closings and layoffs pose great hardships on employees, employers, and communities. Relieving the effects of dislocation through cooperation fostered through Rapid Response is a positive and responsible way to help lighten these hardships.

The Region 1 Rapid Response Team will be comprised of the Region 1 Workforce Board staff, representatives from the WORKFORCE West Virginia Career Centers, and the Governor's Workforce Investment Division's Rapid Response Unit. These individuals will be responsible for assisting in job matching, employer services, labor market information, the Trade Adjustment Assistance (TAA) Program, the North American Free Trade Agreement (NAFTA), and unemployment compensation. The local representative(s) are responsible for having information about the services available through the WORKFORCE West Virginia Career Centers.

These individuals will represent a link to other services available to employees and employers. The local representatives will discuss the possibility of providing on-site services such as job placement assistance workshops; the establishment of a transition center; or establishing an adjustment committee. Through the evaluation of the skills and barriers to employment of the affected employees, the local representatives will make an initial assessment of the service needs of the employees including the need for re-training. The Rapid Response

representatives will also be aware of other services and resources available in the community which could be of benefit to the employees.

Additional members may be added to the Rapid Response Team. After making an initial assessment of the worker=s service needs, additional members could either be included on the team or you may choose to refer employees who need these services to the community agency providing the service rather than changing the team. Every effort will be made to maximize the resources of all the WORKFORCE West Virginia Career Center partners. Additionally, this workforce development system should include other programs that could best benefit the dislocated employees and their families. For example, the insurance program for children of low-income families (CHIP) could be a major benefit to many dislocated workers.

Rapid Response services are available to all employers with members who have or will experience a company closure or permanent layoff. Employees who receive job loss information by WARN or by a Public Announcement@ are considered a At-Risk@ employees. These a At-Risk@ employees are eligible for Rapid Response services.

In order to implement a quality Rapid Response program, the following elements will be fully implemented:

Early Intervention: Employees should receive early notification of an impending layoff and/or closure. Early assistance and participation by employees will have positive results in terms of the individual employee's ability to handle the layoff and/or closure. Early intervention also will allow the Rapid Response Team to prepare and organize an effective program. A layoff aversion program may be implemented utilizing assistance from local economic development offices and the Governor=s Workforce Investment Division. This group will review all options before the actual closure and/or layoff of employees.

Cooperation and Participation: The level of cooperation and participation of the Rapid Response Team will have a major effect on the success of employees of either averting layoff or seeking new quality employment. Employers can assist and cooperate by providing facilities, contacts, and search activities for displaced employees. This cooperation will ensure that all shift schedules and employees availability will be utilized.

Workforce Adjustment Committees: These committees will be established to envelop the general approaches to rapid response. These committees and their benefits will include the following:

- 1. Labor Management Adjustment Committee*

- < Earlier re-employment
- < Potential reduction in unemployment insurance
- < Potential reduction in workers compensation costs
- < Workers helping workers
- < Coordination of services and resources
- < Increased motivation
- < Increased productivity and morale
- < Positive labor-management relations
- < Positive community impact
- < More effective use of benefits Community Adjustment Committee
- < Earlier re-employment
- < Potential reduction in unemployment insurance
- < Potential reduction in workers compensation costs
- < Workers helping workers
- < Coordination of services and resources
- < Increased motivation
- < Increased productivity and morale
- < Positive labor-management relations
- < Positive community impact
- < More effective use of benefits
- < New job creation linked to an existing workforce

For the purpose of this grant, a dislocated worker is an individual who meets the definitional requirements specified in WIA Section 101(9). Paraphrasing these requirements, a dislocated employee is an individual who:

- < Has been laid off or received a notice of layoff, is likely to be unable to return to a previous industry or occupation and is either (a) eligible for or exhausted unemployment compensation, or (b) has demonstrated substantial attachment to the labor force;
- < Has been terminated or laid off, or received a notice of termination or layoff as a result of a permanent closure or substantial layoff at a plant, facility, or enterprise;
- < Was self-employed but is unemployed as a result of general economic conditions or a natural disaster; or
- < Is a displaced homemaker.

GOAL 4: Provide comprehensive services to employers in Region 1.

The employers in Region 1 will receive assistance in the following areas:

- < lay-off aversions
- < employee availability
- < updating employee skills
- < information sharing
- < employer needs surveys
- < referrals for new training
- < recruitment services
- < organize seminars as needed by businesses
- < provide contracted services for specific assessment needed by employers
- < match needs of employees to job seekers using Region 1's environmental scan
- < collect current data to prevent layoffs
- < provide registration for businesses at all WORKFORCE West Virginia Career Centers

GOAL 5: Coordinate and provide services to job seekers.

These services will include:

- < survey job seekers to establish framework of needs
- < coordinate and assist with services presented by availability
- < provide mentors and peer advocacy programs
- < pre-employment training
- < match skills of job seekers to market needs using Region 1's environmental scan

GOAL 6: Collect pertinent data and information as required by the Workforce Investment Act and the Governor=s Workforce Investment Division.

The Rapid Response program will gather all pertinent information and report to the state agencies that will be involved or need this information. Reporting forms will be developed in cooperation with the Governor=s Workforce Investment Division and state agencies to ensure success of accurate data collection.

GOAL 7: Provide staff with training for a comprehensive Rapid Response Program.

The Region 1 Rapid Response program will include four workforce professionals, a technology coordinator, and support staff. Training for this staff will be comprehensive and an ongoing process. This training will be coordinated with the Governor=s Workforce Investment Division and the Rapid Response Team.

GOAL 8: To ensure an on-going evaluation process of employment services to businesses and the community.

The evaluation process will be an ongoing activity. Technical assistance from state agencies and the Department of Labor will be utilized to develop an evaluation process that will assist Region 1 in providing a quality program. Results of the evaluation will be used to make any program changes that are indicated. Surveys will be used at all levels of implementation to assist in providing quality services for employers, employees, and other participants.

GOAL 9: To assist the State Rapid Response Unit.

The Region 1 Workforce Investment Board staff will cooperate and assist the State Rapid Response Unit for all dislocations. All resources of the Region 1 Workforce Investment Board will be available to the State Rapid Response Unit.

MOU

Attachment III

**ADMINISTRATIVE ASSURANCES
Title 1 of the Workforce Investment Act of 1998**

1. Recipients of WIA funds will maintain sound Fiscal Control and Fund Accounting Procedures to ensure the proper disbursement of, and accounting for, funds through the allotments made under WIA.
2. Adherence to Section 188 of the Workforce Investment Act which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title 1-financially assisted program or activity. By assuring adherence to Section 188 of WIA, also assures acceptance to **Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972.**
3. Adherence to **Title 11, Subtitle A of the American with Disabilities Act of 1990** which prohibits the exclusion, on the basis of disability, from participation in or denial of the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.
4. **Certification Regarding Drug-Free Workplace Requirements (29 CFR, Subtitle A, Appendix C to Part 98):** WIA funded grantees certify that it will provide a drug-free workplace by notifying employees that the unlawful

manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions taken against employees for violation of such prohibition. Grantees certify that it will make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) of 28 CFR Subtitle A, Appendix C to Part 98.

5. **Certification Regarding Disbarment and Suspension (29 CFR, Subtitle A, Appendix A to Part 98):** WIA funded grantees certify to the best of its knowledge that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency. (a) Have not within a three-year period preceding this period been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, or attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction. (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with the commission of any fraud or criminal offenses in obtaining or attempting to obtain, or performing a public transaction under a public contract. (c) Have not within three years preceding this period had one or more public transactions (Federal, State, or Local) terminated for cause or default.

6. **Certification Regarding Lobbying (29 CFR, Subtitle A, Appendix A to Part 93):** WIA funded grantees certify to the best of its knowledge that no Federal funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency; a Member of Congress; an officer or employee of Congress; or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, loan, cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

Donna O'Neill, Chair
Region 1 Workforce Investment Board

Carol Morgan, Executive Director
Regional Education Service Agency I

David Coccari, Chair
WORKFORCE WV Governance _____
Consortium Att:
Local Plan 2005-2010

Craig Palmquist, CEO
Keys to Organizational Growth, Inc.