

EMERGENCY COOPERATION AGREEMENTS

EXECUTIVE SUMMARY

This policy provides the guidance and establishes the procedures regarding the establishment of emergency cooperation agreements between Local Workforce Development Boards (Local Board). This policy applies to all Local Boards, and is effective immediately.

This policy contains all state-imposed requirements.

This Directive finalizes Workforce Services Draft Directive Emergency Cooperation Agreements (WSD19-14), issued for comment on April 28, 2020. The Workforce Development Community submitted no comments during the draft comment period.

Retain this Directive until further notice.

REFERENCES

- *Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Sections 133(a)(2), 134(a)(2)(A)*
- *California Unemployment Insurance Code (CUIC) Section 14013(q)*
- Workforce Services Directive [WSD18-08 \(PDF\)](#), *Disaster National Dislocated Worker Grant Guidance* (October 15, 2018)
- Workforce Services Directive [WSD16-16 \(PDF\)](#), *Allowable Costs and Prior Written Approval* (February 21, 2017)
- Workforce Services Directive [WSD16-15 \(PDF\)](#), *Dislocated Worker Additional Assistance Projects* (December 28, 2016)
- Workforce Services Directive [WSD16-04 \(PDF\)](#), *Rapid Response and Layoff Aversion Activities* (July 22, 2016)
- Workforce Services Directive [WSD18-12 \(PDF\)](#), *WIOA Memorandums of Understanding* (April 30, 2019)
- Workforce Services Information Notice [WSIN19-10 \(PDF\)](#), *Local Board Coordination with CalOES Local Emergency Contacts* (October 4, 2019)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

BACKGROUND

Assembly Bill (AB) 2915 (Chapter 722, Statutes of 2018) amended CUIC Section 14013 to require the California Workforce Development Board (CWDB) to develop, in coordination with the Employment Development Department (EDD) and Local Boards, a policy regarding emergency cooperation agreements. These emergency cooperation agreements among Local Boards are intended to expedite an emergency response, consistent with applicable state and federal law, following a disaster across Local Workforce Development Areas (Local Area).

To implement AB 2915, the CWDB convened a series of workgroup meetings comprised of representatives from Local Boards, the EDD, the California Workforce Association, and the California Office of Emergency Services (CalOES). The workgroup established a two-phased approach for implementation of the law.

For the first phase, the CWDB issued Workforce Services Information Notice [WSIN19-10 \(PDF\)](#), *Local Board Coordination with CalOES Local Emergency Contacts*, to provide Local Boards with information on how to connect with CalOES's three administrative regions in order to ensure coordinated support with local emergency responders during a catastrophic event.

This directive provides technical assistance and information on the allowable WIOA funding sources Local Boards may use when responding to a disaster. A sample emergency cooperation agreement template is included as a technical assistance tool.

POLICY AND PROCEDURES

Definitions

Emergency Cooperation Agreement – a written document between two Local Boards established for the purpose of expediting assistance to meet increased demands for services following an emergency or natural disaster.

Resource Contributor – the Local Board who provides additional resources and requests reimbursement from the affected Local Area.

Resource Recipient – the Local Board who receives additional resources and provides reimbursement.

Emergency Cooperation Agreements

In the event of an emergency or natural disaster, Local Boards can assist in preventing layoffs, help newly unemployed workers, or assist businesses who need additional workers. In some instances, Local Boards outside of the geographical areas directly affected by the event, may be able and willing to send additional resources to assist in meeting the increased demand for services. Having an emergency cooperation agreement in place for these types of situations can encourage Local Boards to join together and leverage resources in times of need.

Establishing emergency cooperation agreements between Local Boards is voluntary, although encouraged, as a way to expedite assistance by establishing clear understandings between Local Boards on the potential sharing of resources and financial reimbursement. Allowable sources of funding for reimbursement may vary based on the activities or resources rendered. If an emergency cooperation agreement is in place, it must address, at a minimum, the following information:

- Requested activities and/or resources
- Potential cost and methodology for each activity and/or resources
- Authorization from the Local Board Executive Director
- Effective date and term of the agreement

This directive is not intended to preclude Local Boards from sharing resources or assistance without the existence of an emergency cooperation agreement. This directive is also not intended to amend or supplant existing local ordinances, policies, or procedures. Local Areas must determine if emergency cooperation between Local Boards is permissible based on existing local rules.

The Emergency Cooperation Agreement template (Attachment 1) is intended to be a technical assistance tool rather than a required template; it should be used in whatever way best fits the needs of the Local Board.

Types of Funding

In some instances, Local Boards may want to include a process for requesting financial reimbursement within their emergency cooperation agreements. In this instance, the allowable activities or services that can be reimbursed will depend on the funding stream that is being utilized. Local Boards must consult with the relevant funding streams rules and regulations to determine if and how the services and activities provided may be reimbursed.

In addition to WIOA formula funds, there are three main types of federal funds available for Local Boards who experience sudden and large increases of unemployment due to natural disasters, mass layoffs, or other events. These federal funds include:

- Rapid Response and Layoff Aversion funds
- Dislocated Worker Additional Assistance funds

- Disaster Recovery National Dislocated Worker Grants

Allowable Costs

Each state, Local Area, and provider which receives funds under WIOA Title I is required to comply with Uniform Guidance (WIOA Section 184[a][3]). This includes general principles and guidance on selected items of cost. However, if more restrictive city, state, or federal guidelines exist, they take precedence. Uniform Guidance rules apply to all of the federal funding streams outlined below.

For additional information about general cost principles, allowable costs, and prior written approval related to WIOA Title I funds, refer to [WSD16-16 \(PDF\)](#), *Allowable Cost and Prior Written Approval*.

Rapid Response and Layoff Aversion

The purpose of Rapid Response is to prevent layoffs and provide resources to dislocated workers in order to enable them to return to work as quickly as possible after a mass layoff or disaster has occurred. An effective Rapid Response system allows the state, Local Area, and partners to play an active role in shaping and serving the workforce by responding to workers' initial and urgent needs (WIOA Section 133(a) (2), [Training and Employment Notice No. 31-11 \(PDF\)](#)).

In California, the state strategy for Rapid Response activities is to build strong regional partnerships that extend beyond Local Area boundaries. This process allows Local Areas which share populations and regional trends to respond in a unified manner to potential layoffs.

For additional information about designing and implementing a local/regional business engagement strategy and the role of layoff aversion with effective Rapid Response systems, refer to [WSD16-04 \(PDF\)](#), *Rapid Response and Layoff Aversion Activities*.

Dislocated Worker Additional Assistance

Once the state has reserved adequate funds for Rapid Response activities, any remaining funds may be provided to Local Areas experiencing increased unemployment due to natural disasters, mass layoffs or other events for provision of direct career services to participants, if there are not adequate local funds available to assist dislocated workers. [WIOA Section 133(c)]

In California, Local Areas are allowed to apply for Additional Assistance as long as the activities needed are directly tied to a specific event and will not be used for non-Rapid Response activities. Local Areas applying for funds are required to work with their local and regional partners, which may include neighboring Local Areas. They can submit a joint application which outlines: how the entities would work together, how they would spend funds, and what activities would be provided to the workers. This process allows the state to approve one application, but handle each Local Area as an individual sub-recipient.

For additional information on applying for Additional Assistance for project funding from the Dislocated Worker 25 percent Additional Assistance fund, refer to [WSD16-15 \(PDF\)](#), *Dislocated Worker Additional Assistance Projects*.

Disaster Recovery National Dislocated Worker Grants (NDWG)

Disaster Recovery NDWGs provide funds for two purposes:

- 1) Disaster relief and humanitarian assistance employment
- 2) Appropriate employment and training services to minimize the employment and economic impact of federally-declared disasters and emergency situations

Funding may be available after emergencies and major disasters, or emergencies of national significance which could result in a potentially large loss of employment, when:

- 1) Those emergencies are declared by the chief of a federal agency with jurisdiction over the federal responses to the emergency; and
- 2) The emergencies result in the relocation of a substantial number of individuals from a state, tribal area, or outlying area.

In California the eligible applicants for these grants are the EDD and Indian tribal governments as defined by the Stafford Act. The EDD typically sub grants funds to Local Boards and other organizations engaged in disaster recovery projects.

For additional information on Disaster Recovery NDWGs, refer to [Training and Employment Guidance Letter 12-19 \(PDF\)](#).

ACTION

Bring this Directive to the attention of all affected parties.

INQUIRIES

For general inquiries, contact [Sandra Hamameh](#). For inquiries specific to NDWG funds, contact the [EDD Project Management Group](#). For inquiries about the other types of funding outlined in this Directive, contact your [Regional Advisor](#).

/s/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

[Emergency Cooperation Agreement Template \(DOCX\)](#)