



STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

March 22, 2022

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the Governor's Office for Emergency Relief and Recovery (GOFERR) to retroactively enter into the attached **Memorandum of Understanding** with the New Hampshire Department of Business and Economic Affairs (VC# 287201) in an amount not to exceed \$220,360 as part of a temporary staff assignment to provide support in helping administer the CARES Act Coronavirus Relief Fund ("flex funds") of \$1,250,000,000 from the Coronavirus, Aid, Relief and Economic Security Act ("the CARES Act"); ", March 27, 2020; Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, (Dec. 27, 2020) (ERAP1); and the American Rescue Plan Act of 2021 ("ARPA"), H.R. 1319, Section 9901 on March 11, 2021, or such other federal relief funds related to the COVID-19 response in New Hampshire that are available, effective upon Governor and Council approval through June 30, 2026. **100% Federal Funds.**

Funding is available in the account as follows:

01-02-002-020210-19110000 Office of the Director		<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	<u>TOTAL</u>
<u>CLASS</u>	<u>ACCOUNT</u>	-	-	-	-	-	-
EXPENDITURES							
050 - Salaries	500109	\$32,123	\$32,123	\$32,123	\$32,123	\$32,123	\$160,615
060 - Benefits	500601	\$11,949	\$11,949	\$11,949	\$11,949	\$11,949	\$59,745
TOTAL EXPENSES		\$44,072	\$44,072	\$44,072	\$44,072	\$44,072	\$220,360
SOURCE OF FUNDS							
000 - Federal Funds	400338	\$44,072	\$44,072	\$44,072	\$44,072	\$44,072	\$220,360
TOTAL REVENUE		\$44,072	\$44,072	\$44,072	\$44,072	\$44,072	\$220,360

EXPLANATION

GOFERR was created by Governor Sununu by Executive Order 2020-06 on April 14, 2020, as amended by Exhibit 1 on June 11, 2021, which sets out the background and compelling public health needs related to the COVID-19 State of emergency and also stated the need and authority for establishing the GOFERR.

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In order to continue these efforts, GOFERR will retroactively enter into the attached Memorandum of Understanding (MOU) with the DBEA. Under the terms of the MOU, this temporary staff assignment of the person identified will provide part time support to GOFERR to administer the CARES Act fund and the ARPA funds. This identified staff person has been working with GOFERR, and subsequently became a DBEA staff person. GOFERR has deemed it necessary that this MOU continue to help assist and carry out the operations of GOFERR.

This is an allowable use of ARP FRF funds under Section 602 (c)(1)(A) to respond to the public health emergency or its negative economic impacts.

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chase Hagaman', with a horizontal line extending to the right.

Chase Hagaman
Deputy Director, GOFERR

**MEMORANDUM OF UNDERSTANDING REGARDING TEMPORARY
REASSIGNMENT OF STATE EMPLOYEES**

A. Agreement

This Memorandum of Understanding between the Department of Business and Economic Affairs ("BEA") and the Governor's Office for Emergency Relief and Recovery ("GOFERR") sets forth the terms and conditions whereby BEA will temporarily assign the person and position identified herein to provide part-time support to the GOFERR to administer the CARES Act Coronavirus Relief Fund ("flex funds") of \$1,250,000,000 from the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), March 27, 2020; Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, (Dec. 27, 2020) (ERAP1); and the American Rescue Plan Act of 2021 ("ARPA"), H.R. 1319, Section 9901 on March 11, 2021, or such other federal relief funds related to the COVID-19 response in New Hampshire that are available, or become available, that are assigned to GOFERR by Governor Sununu.

B. Authority for Reassignment

GOFERR was created by Governor Sununu by Executive Order 2020-06 on April 14, 2020, as amended by Exhibit 1 on June 11, 2021, which sets out the background and compelling public health needs related to the COVID-19 State of emergency and also stated the need and authority for establishing the GOFERR including:

That on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") which provides significant emergency relief funding to New Hampshire.

That on or about Dec. 27, 2020 Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, (ERAP1) which provides significant emergency relief funding to New Hampshire for emergency housing rental assistance was approved.

That on or about March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA"), H.R. 1319, Section 9901 was approved which provides significant emergency relief funding to New Hampshire for emergency housing rental assistance; homeowners mortgage relief assistance, capital projects assistance and State and Local Fiscal Recovery Funds.

Executive Order 2020-06 as amended by Exhibit 1, directs that GOFERR shall continue regardless of the continuation of the state of emergency unless and until expressly terminated by a further Executive Order.

Executive Order 2020-06 Exhibit 1 directs that GOFERR shall be staffed by such additional staff as the Executive Director, with the prior approval of the Governor, deems necessary to carry out the operations of GOFERR, including by use of staff borrowed from other state agencies under the Governor's authority to appoint staff in RSA 4:12. This agreement is therefore entered into under the Governor's authority under RSA 4:12. Any State employee that is temporarily assigned to GOFERR, shall be entitled to the same salary and benefits to which

they would otherwise be entitled in their position as a State employee and shall remain employees of their State agencies for all other purposes, except that their duties during the period of temporary assignment shall be supervised by the Director.

Governor Sununu has appointed Taylor Caswell, Commissioner of the New Hampshire Department of Business and Economic Affairs as Executive Director of GOFERR and Chase Hagaman as Deputy Director of GOFERR. Governor Sununu and Executive Director have identified Alexander J. Fries, currently an unclassified employee of BEA, position number 90696, as needed on a part-time basis to provide assistance for GOFERR.

C. Employing Agency Responsibilities

BEA agrees to continue to provide the employee's computer and computer program licenses. BEA will also continue to provide a cellphone and access to any other technological resources currently available with BEA to the employee. BEA shall also continue to provide work space, parking and appropriate furniture for the employee at the BEA. The employee's time will be shared between BEA and GOFERR, although work for GOFERR shall take a priority. The employee shall retain their current position throughout the assignment.

D. GOFERR Responsibility

Unclassified employees will quarterly, or more frequently as requested by DAS, provided the percentage of their total time in the current period spent on GOFERR work and BEA work. If taking annual leave time or sick time, the time shall be prorated or charged based on time in the immediately preceding month. DAS/GOFERR shall provide such tracking to BEA and maintain the documentation for audit purposes. Supervision of employee's responsibilities for while performing GOFERR work shall be as provided in Executive Order 2020-06.

E. Payment for Services

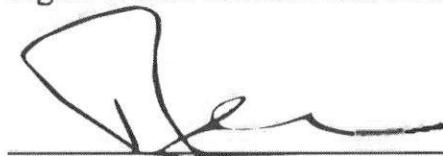
BEA will pay the wages, including any overtime if any, salaries or benefits of the employee that they are currently entitled to in their current position in the first instance. GOFERR will reimburse BEA the amount of the pro rata percentage of all wages and salaries for employee while engaged on GOFERR duties. GOFERR will also reimburse BEA the pro rata percentage for all benefits, including but not limited to health insurance, for the time period that they are engaged in duties for GOFERR. If the employee's duties for GOFERR are less than full time, the reimbursement shall be based on the actual hours worked for hourly employees, or a prorated percentage of total actual hours for salaried unclassified employees.

F. Complete Agreement

The entire understanding between the parties is compiled in the Agreement. Neither party may further modify or amend the terms of this Agreement except by written agreement signed by both parties. This Agreement shall be construed under the laws of the state of New Hampshire.

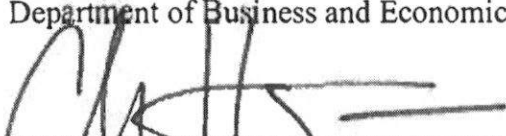
G. Duration

This Agreement is effective on 12/3, 2021, the date on which the employee's duties began. It shall continue until no longer needed, as determined by the Governor and Director.



Commissioner Taylor Caswell
Department of Business and Economic Affairs

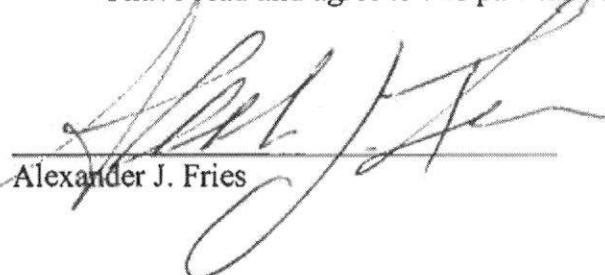
2/15/2022
Date



Chase Hagaman, Deputy Director
Governor's Office for Emergency Relief and Recovery

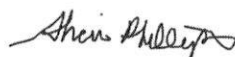
2/15/2022
Date

I have read and agree to this part-time reassignment.



Alexander J. Fries

2/15/2022
Date



NH Department of Justice

3/22/2022

Date

Approved by New Hampshire Governor and
Council

Date