



**DEPARTMENT OF
ADMINISTRATION**
HUMAN RESOURCES

**STATE OF MINNESOTA
INTERAGENCY AGREEMENT**

The Department of Administration's Small Agency Resource Team (SmART) seeks to improve the efficiency and effectiveness of financial and human resources services for small agencies, boards, and councils. SmART enables administrative efficiency by sharing the specialized resources and expertise of a larger administrative organization. SmART's services enable customer agencies to better focus on their core business.

This agreement is between the Minnesota Department of Administration Human Resources (M.S.16B.372) (Admin) and Administrative Services Unit (M.S.204.107) (Agency).

Agreement

1. Term of Agreement

1.1 **Effective date:** September 19, 2019 for assistance with filling of ASU lead position and on-boarding, with full service with beginning, January 2, 2020.

1.2 **Expiration date:** June 30, 2021 or until all obligations have been satisfactorily fulfilled, whichever comes first.

2. Scope of Work

Admin will provide human resource services to the Agency as described in Exhibits A and B which are attached and incorporated into this agreement. The success of the work that takes place under this agreement is dependent on both Admin and the Agency understanding and upholding their respective roles and responsibilities as delineated in Exhibits A and B.

The Agency retains decision-making authority and responsibility for its human resource decisions for ongoing implementation of appropriate business processes, while Admin provides transaction and other human resources services in an advisory capacity. The parties understand and agree that Admin is not and not intended to be, the employer or joint employer of the Agency's applicants, employees or former employees by reason of the work performed or services provided under the Agreement. The Agency is responsible for following all applicable employment laws, collective bargaining agreements and compensation plan requirements, state policies and procedures.

3. Authorized Representative

Admin's Authorized Representative is Lenora Madigan, Deputy Commissioner, Admin Building, 50 Sherburne Ave., St. Paul, MN, 55155 or her successor.

The Agency's Authorized Representative is Thora Fisko, Executive Secretary, MN Board of Barbers Examiners, 2829 University Ave. SE, Suite 425, Minneapolis, MN 55414 or her successor.

4. Consideration and Payment

The total cost for all services covered by this agreement is \$133,960 for FY20. That amount is for work to begin on January 2, 2020. If work begins earlier, amount will be adjusted and agreement will be amended for FY20. The FY21 amount will be determined in June 2020. Admin will invoice the Agency at the beginning of each quarter, in equal amounts, for the services outlined in this agreement. The Agency will approve invoices and make timely payment to Admin for the services outlined in this Agreement.

5. Amendments

Any amendment to this agreement, must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement or their successors in office.

6. Government Data Practices

Admin and the Agency must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data exchanged under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by either party to this agreement. The civil remedies of Minnesota Statutes Chapter 13.08 apply to the release of the data referred to in this clause by either party.

7. Liability

Each party will be responsible for its own acts and behavior and the results thereof.

8. Termination

Either party may terminate this agreement at any time, with or without cause, upon 90 days' written notice to the other party.

**STATE OF MINNESOTA
INTERAGENCY AGREEMENT**

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

Signed: 

Date: 10/3/19

PO 3000000799

2. Administrative Services Unit (Agency)

By:  (with delegated authority)

Title: Executive Secretary

Date: 9-19-19

3. Department of Administration (Admin)

By:  (with delegated authority)

Title: Deputy Commissioner

Date: 9.19.19

EXHIBIT A to Interagency Agreement between the Department of Administration Human Resources (Admin) and Administrative Services Unit (Agency)

Admin will provide the Agency the following human resource services that will help the Agency operate effectively:

Ad Hoc Reporting

- Upon request, provide ad hoc reports on employee costs, leave use, hires, separations, and other employment information contained in the state's information warehouse.

Affirmative Action Plan and Reports

- Draft Affirmative Action Plan; submit biennially to MMB for review and approval; and monitor efforts and progress.
- Complete the *Monitoring the Hiring Process* quarterly reports for the Agency.

Classification and Compensation

- Review position descriptions, determine appropriate classifications, bargaining unit designations, and Fair Labor Standards Act (FLSA) status, document audit decisions, and explain the rationale for classification decisions.
- Advise on, and approve or deny compensation requests outside of Agency delegation of authority.
- The Agency must provide documentation of requests to convert unclassified position to the classified service at least one month in advance of the end of the unclassified position.

Timely review of classification and compensation requests depends on Admin receiving complete and accurate information from supervisors and managers. Admin is not responsible for processing information if it has not received a written request.

Admin has received delegated authority from Minnesota Management and Budget (MMB) to make classification and compensation decisions. Admin must abide by accepted practices and rules governing classification and compensation in order to retain this delegation. MMB periodically audits Admin's work to determine compliance with rules and laws.

Contract Administration

- Advise managers and supervisors on the application of labor contracts and collective bargaining plan language.
- Advise managers and supervisors on the practical application of employment laws such as FMLA, FLSA, ADA, USERRA, and all discrimination laws.

File Maintenance and Storage

- Maintain and securely store the personnel files and I-9 documents of the Agency employees, if agency requests.
- Maintain and store audit (job classification decisions) documentation and requisition (vacancy filling) files.

- Inform the Agency on the types of personnel information that should be securely maintained at Agency worksite.

General Benefits Administration

- Convey benefit updates and information from MMB to Agency Representative for distribution to employees of the Agency.
- Benefits questions and issues will be handled directly by the State Employee Group Insurance Program (SEGIP) at MMB.

Labor Relations, Investigations and Employment Law

- Advise or respond to grievances for the Agency as appropriate.
- Advise management regarding relationship with union, including meet and confer sessions, union leave.
- Review and provide advice and guidance in responding to requests for ADA accommodation.
- Complete ADA reports for the Agency.
- Convey new laws, state rules, and issues from MMB to Agency Representative for distribution to employees of the Agency.
- Advise supervisors and managers on other employment law issues such as discrimination, sexual harassment, etc.
- Assist in reviewing unemployment claims and at the agency's request represent management in unemployment hearings.
- When Human Resources becomes aware of a complaint, the Labor Relations Manager will review the complaint, will forward the complaint to the appropriate person at the Agency, will advise on potential liability issues and best practices for handling.

Under the law, employers have an obligation to conduct a prompt and thorough investigation of all discrimination or harassment complaints. Due to the increased demands on Labor Relations, we do not always have the resources to adequately fulfill that responsibility internally. While we are able to perform complaint intake and case management, we want the Agency to be prepared to retain an outside investigator should the need arise. HR SmART is able to coordinate with the Agency in contracting an outside investigator. The Agency is responsible for paying all costs associated with independent investigations.

Leave Coordination

- Process and coordinate FMLA requests.
- Guide Agency in other leave types that the State of Minnesota provides.
- Manage the transaction processes involving such leaves.
- Provide guidance to the Agency's payroll representative regarding the correct way the data needs to be entered into the timesheet system.

New Employee Orientation

- Conduct new employee orientation for all new employees to the Agency.

Payroll

- Process bi-weekly payroll within established timelines, answer questions, resolve payroll issues, and review payroll records on a regular basis following all applicable federal laws and state guidelines and processes.

Performance Management

- Coach managers on performance management.
- Assist the agency in initial screening of allegations relating to employee misconduct, performance or attendance problems and conduct or coordinate the conducting of, investigations.
- Advise managers and supervisors on managing performance, attendance, conduct issues, and assist with implementing corrective actions, including withholding of performance increases, issuing disciplinary actions and letters of expectations.

Recruitment and Selection

- Assist managers in hiring so that the agency follows state bargaining unit contracts and plans, employment laws, and state laws governing state positions.
- Advise on minimum and preferred qualifications and recruitment options.
- Post vacancies in accordance with HR/LR Policies.
- Review position applications to determine which applicants meet the minimum qualifications and refer successful candidates to the hiring supervisor.
- Respond to appeals of applicant qualification determinations under Minn. R. 3900.4700.
- When requested, assist managers and supervisors in developing interview questions and other selection criteria and exercises for interviews.
- Document hires for affirmative action purposes.
- Compose offer and employment confirmation letters.
- Examine I-9 documentation, after hire, for legal hiring.
- Notify all applicants of position hiring decisions.

Safety & Workers' Compensation

- File yearly OSHA lost-time reports.
- Assist with first reports of injury filings.

Admin has a Safety Administrator on staff. If the Agency needs guidance or assistance with safety issues, upon availability, the Safety Administrator can be hired as a consultant on a case-by-case basis.

Training

- Train managers and supervisors on human resources practices, employment law, bargaining unit contract language, compensation, and other topics directly related to human resources.
- Conduct training and/or track completion on topics mandated by law or policy – code of conduct, sexual harassment prevention, right-to-know, etc., based on availability.

Transactions

- Complete accurate and timely SEMA4 changes related to changes in employee information, hire, funding, promotion, separation dates, increase dates, department ID, medical leaves of absence, performance reviews, etc.
- Serve as the Security Administrator for processing any access to the State HR systems that an agency employee might need and review that access on an annual basis per state guidelines.

Timely transactions depend on Admin receiving timely information from supervisors and managers about employee status. Admin is not responsible for processing information if it has not received a written request.

**EXHIBIT B to Interagency Agreement between the Department of Administration
Human Resources (Admin) and Administrative Services Unit (Agency)**

SERVICE LEVEL AGREEMENT

Admin SmART Human Resources Responsibilities

Admin (SmART program) will provide the following level of service:

- Vacancies will be posted within three business days of receipt of a completed request to fill (if the position does not need to be allocated or the allocation changed).
- Managers and supervisors will receive a list of qualified candidates within five business days of the closing of a posting.
- Positions requiring initial allocation will be allocated within two weeks of the receipt of a complete position description, organizational chart, and request memo.
- Positions requiring reallocation will be audited within six weeks of the receipt of a complete position description, organizational chart, and request memo.
- Investigations will be conducted promptly. Timing depends on the exact circumstances and availability of investigators and union representatives.
- Transactions turned in by Thursday of the non-payroll week will take effect that payroll period.
- Employees hired during the last two days of the pay period will not be paid for those days until the next pay period.

Admin SmART will do our best to adhere to the timelines listed above based on staffing levels and volume of work.

Agency Responsibilities

Management of the Agency is responsible for the actions of the organization's employees, including unethical, violent, or harassing behavior and failure to follow state policies and procedures.

Like all other agencies, the Agency is also responsible for completing the following human resource actions:

Affirmative Action Plan

- Work jointly with the SmART Human Resources Team in the creation of biennial Affirmative Action Plan.
- Adhere to the plan and make it a living document.

Classification

- All positions have position descriptions that are updated at least every three years.
- Position descriptions must be consistent with the employees' actual job duties, include a listing of essential functions under the ADA, and clearly indicate the employee's level of decision-making authority.

- Send completed and signed position descriptions electronically to the HR office for entry in the HR system and filing in the employee personnel file.

Employee Evaluation

- New employees must receive copies of their position descriptions, as well as onboarding to their work and their work unit.
- All new employees must receive mid-probationary and probationary reviews.
- All employees must be given feedback on their performance at least once a year with a written formal evaluation placed in their personnel file.
- Performance expectations are made clear for all employees.
- Send completed and signed employee evaluations electronically to the HR office for entry in the HR system and filing in the employee personnel file.
- Employees whose performance, attendance, or behavior is problematic will be discussed with the Admin Human Resources staff appropriate to the situation.

File Maintenance and Storage

- Maintain supervisory files in accordance with all applicable state laws and guidelines.

Hiring

- Employees may not be hired before the Admin human resource office affirms that all parts of the process are complete.

Labor Relations

- The Agency is responsible for paying all costs associated with an independent investigation.
- Timely notice will be given to the Admin HR office for Labor Relations issues.

Policies and Procedures

- Appoint an Ethics Officer and communicate that designation to employees.
- (Ensure) Formal delegations of duties are on file.
- (Ensure) Operating practices are consistent with state policies.
- Appropriate action is taken for violations of policy.
- Respond to data practices requests.

Training

- Employees receive appropriate training related to their position.
- All classified managers and supervisors attend required training(s) through Enterprise Training and Development (ETD).
- Payment of all costs associated with training provided by ETD, MN-IT or other agencies external to the State.

Worker's Compensation

- Submit the First Report of Injury within three business days of the incident/injury.