

This document is made available electronically by the Minnesota Legislative Reference Library as part of an ongoing digital archiving project. <https://www.lrl.mn.gov>

Amendment No.1 to Interagency Agreement 201592

Contract Start Date:	October 14, 2021	Original Contract:	\$13,073,259
Original Contract Expiration Date:	<u>6/30/2023</u>	Previous Amendment(s) Total:	<u>\$0</u>
Current Contract Expiration Date:	<u>6/30/2023</u>	This Amendment:	<u>\$0</u>
Requested Contract Expiration Date:	<u>N/A</u>	Total Contract Amount:	<u>\$13,073,259</u>

This amendment (“Amendment”) is by and between Minnesota Department of Human Services, Commissioner’s Office Division, (hereinafter DHS) and the Chief Executive Officer of the Minnesota Health Insurance Marketplace (hereinafter “MNSure”).

Recitals

1. DHS and MNSure have an agreement identified as IAK-201592 (“Original Agreement”) to allow DHS to provide standard, centralized administrative services to MNSure;
2. DHS and MNSure agree that the Original Agreement should be modified in order to add services for proof of vaccination and testing as described in Revised Exhibit B;
3. DHS and MNSure are correcting a typographical error in Section 3.1; and
4. DHS and MNSure are willing to amend the Original Agreement as stated below.

Contract Amendment #1

In this Amendment, changes to Original Agreement language will use ~~strike through~~ for deletions and underlining for insertions.

The parties agree to the following revisions:

REVISION 1. Clause 1.1 “Human Resources” is amended as follows:

- 1.1 **Human Resources.** DHS shall provide human resource services to MNSure in accordance with the duties, responsibilities, and obligations set forth in Revised Exhibit B, which are attached and incorporated into this Agreement.
 - A. **Scope of Work.** MNSure shall retain ownership and responsibility for its human resource decisions, while DHS shall serve in an advisory capacity and provide transaction and other services. MNSure shall be responsible for paying all costs associated with all independent investigations.

B. Authorized Representatives.

1. DHS' authorized representative in regards to human resource services is Connie Jones, Human Resources Director, or her successor.
2. MNSure's authorized representative in regards to human resource services is Dave Rowley, General Counsel, or his successor.
3. Each representative shall have final authority for acceptance of human resource services of the other party and shall have responsibility to ensure that all payments due to the other party with respect to human resource services are made pursuant to the terms of this Agreement.

REVISION 2. Clause 3.1 "Scope of Work" is amended as follows:

3.1 Scope of Work. Payments made and invoices submitted between DHS and MNSure under Section 1 and Section ~~2.1~~ of this Agreement are based on direct costs, including the associated Full Time Employee (FTE) positions. This Section addresses the occupancy and IT support indirect costs attributable to these FTE positions. DHS may submit, and MNSure shall pay, invoices for occupancy and IT support indirect costs associated with FTE assigned to perform work under this Agreement.

EXCEPT AS AMENDED HEREIN, THE TERMS AND CONDITIONS OF THE ORIGINAL AGREEMENT AND ALL PREVIOUS AMENDMENTS REMAIN IN FULL FORCE AND EFFECT AND ARE INCORPORATED INTO THIS AMENDMENT BY REFERENCE.

***REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE FOLLOWS***

REVISED EXHIBIT B - Human Resource Services

DHS will provide the agency the following human resource services that will help MNsure operate effectively:

Transactions

- Complete accurate and timely SEMA-4 changes related to changes in employee information, hire, funding; promotion, separation dates, increase dates, department ID, medical leaves of absence, performance reviews, etc.
- Seniority Rosters will be updated/posted as required by contracts/plans.

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

Performance Management

Definition: Developing standards and policies and providing support for supervisors and managers to provide constructive and developmental feedback and direction for 'ongoing coaching as well as a context for management decision-making.

- Train management on performance improvement techniques.
- Advise managers and supervisors in investigating employee misconduct, performance or attendance problems, or recommend retention of an outside Investigator. Investigations for managerial staff will be referred to an independent Investigator outside the state. DHS will coordinate the investigation.
- Advise managers and supervisors on handling performance, attendance, and conduct issues with employees.
- Assist managers and supervisors in withholding performance increases, taking disciplinary action, or discharging employees.
- Draft disciplinary letters and letters of expectations.
- Advise managers and supervisors on human resources best practices in employee motivation, reviews, and supervisory practices.

MNsure is responsible for paying all costs associated with independent investigations.

Human Resources Policy Management

Definition: Researching, developing, recommending, implementing, and communicating an array of Human Resources policies to support consistent employment practices.

- Investigate the need for and write new policies for human resource issues.
- Maintain and update existing policies.

Contract Administration

- Advise managers and supervisors on the proper application of contract language. When appropriate, DHS will seek MMB's advice on contract interpretation.
- Advise managers and supervisors on the practical application of employment laws such as FMLA, FLSA, ADA, USERRA, and all discrimination laws.

Training

Definition: Providing strategy, planning, and implementation of targeted learning activities to support both individual employee development and organizational strategies. This training is restricted to employees of MNsure.

- In conjunction with MNsure HR Specialist, train managers and supervisors on human resources practices, employment law, bargaining unit contract language/ compensation, code of ethics, and other topics directly related to human resources.

Classification and Compensation

Definition: Conduct an analysis of the individual position to identify and describe the different kinds of work in an organization and group similar positions under common classification titles based upon the kind of work, degree of difficulty and the, responsibilities required.

- Review position descriptions; determine appropriate classification, document audit decisions, and explain the rationale for classification decisions.
- Coordinate Hay sessions when applicable.
- Conduct studies of groups of positions as necessary.
- Approve or deny compensation requests for new hires or promotions.
- Supervisors will receive notification of positions that are ending each quarter.

MNsure 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.

DHS has received delegated authority from MMB-Enterprise Human Resources to make classification and compensation decisions. DHS must abide by accepted practices and rules governing classification and compensation in order to retain this delegation. MMB-Enterprise Human Resources periodically audits DHS's work to determine compliance with rules and laws.

Vacancy-Filling

Definition: Work With HR Specialist who works directly to assist managers in hiring so that MNsure follows state bargaining unit contracts, employment laws, and state laws governing state positions. This includes filling vacancies by developing appropriate qualifications for vacancies, determining recruitment options, posting, reviewing candidates resumes to determine qualified candidates, and assisting the supervisor or managers in following state bargaining unit contracts and state laws.

- Advise on minimum qualifications and recruitment options.
- Posting and bidding/expression of interest process for classified positions.
- Review position applications to determine which applicants meet the minimum qualifications and refer successful candidates to the hiring supervisor.
- Assist managers and supervisors in developing interview questions and other selection criteria and exercises.
- Conduct background checks.
- Document hires for affirmative action purposes.
- Compose offer and employment confirmation letters.
- Notify all applicants of position hiring decisions.
- Close out Resumix

Labor Relations and Employment Law

Definition: Ongoing maintenance and development of union and employee relations in order to advise management on performance and employment law issues, standards; and policies.

- Represent management at meet and confer sessions.
- Respond to third-step grievances for MNsure.
- Review and responding to requests for accommodation under the ADA.
- Monitor payroll and leave under USERRA.
- Notify MNsure of new laws, state rules, and issues.
- Investigate all significant workers' compensation claims, process claims, and work through settlements and resolutions on behalf of MNsure.
- Advise supervisors and managers with other employment law issues such as discrimination, sexual harassment, etc.

- Review unemployment claims and represent management in unemployment hearings.

Safety & Workers' Compensation

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

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.

File Maintenance & Storage

- Maintain and store audit (Job classification decision) files and requisitions (vacancy filling) files.
- Inform MNSure on the types of personnel information that should be securely maintained onsite.
- Maintain Personnel files/records.

Proof of Vaccination and Testing

- DHS will coordinate vaccine attestation, testing consent, and other required medical documentation on behalf of MNSure for vaccine attestation or testing required by State policy, including but not limited to HR/LR Policy # 1446 (COVID-19 Proof of Vaccination and Testing).
- DHS will purchase and track test kits, including but not limited to COVID-19 test kits, on MNSure's behalf. DHS will provide MNSure with weekly updates on the status of the test results and attestation status.
- DHS will not seek reimbursement from MNSure for the test kits unless DHS is unable to obtain reimbursement for the full costs of the test kits from the Federal government. MNSure shall reimburse DHS for test kit costs that are not covered by Federal government reimbursement.
- DHS will distribute test kits to MNSure's employees as needed and consistent with State policy, and check the results of the tests with the designated vendor.

DHS Human Resources Responsibilities:

DHS will provide the following level of service:

- Vacancies will be posted within two business days of receipt of a request to fill (if the position does not need to be allocated or the allocation changed)
- Examine 1-9 documentation, after hire, for legal hiring.

- 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 four to 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 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 may not be paid for those days until the next pay period.

MNsure's Responsibilities:

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

MNsure is responsible for completing the following human resource actions:

Benefits Administration

- Convey benefits information from Minnesota Management and Budget (DHS) to employees of MNsure.
- Benefits questions and issues will be handled directly by the State Employee Group Insurance Program (SEGIP) at MMB. All employees will receive information on the SEGIP contact.
- FMLA requests: All employees will receive information on how to apply for FMLA from DHS and supervisors and managers will coordinate directly with DHS.

Training

Definition: Providing strategy, planning, and Implementation of targeted learning activities to support both individual employee development and organizational strategies. This training is restricted to employees of MNsure.

- In conjunction with DHS, train managers and supervisors on human resources practices, employment law, bargaining unit contract language, compensation, code of ethics, and other topics directly related to human resources.
- Track completion on topics mandated by law or policy - code of conduct, sexual harassment prevention, right-to-know, etc.
- Send communications to employees about various human resource topics.

Policies and Procedures

- MNsure has appointed an Ethics Officer and communicated that designation to employees.

- Employees are trained on the Code of Ethics (M.S. 43A.18) and as required the Code of Conduct.
- Position descriptions clearly indicate the employee's level of decision-making authority.
- Employees receive copies of general statewide policies and policies and procedures governing their particular jobs.
- Formal delegations of duties are on file.
- Operating practices are consistent with state policies.
- Appropriate action is taken for violations of policy.

Position Descriptions

- All positions have position descriptions that are updated at least every three years.
- Position descriptions are consistent with employees' actual job duties and include a listing of essential functions under the ADA.

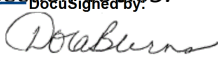
Employee Performance Management

- New employees must receive copies of their position descriptions and an orientation to their work and their work unit,
- All new employees must receive mid-probationary and probationary reviews.
- All employees must be given honest feedback on their performance at least once a year with a written formal evaluation placed in their personnel
- Performance expectations are made clear for all employees.
- Employees whose performance, attendance, or behavior is problematic will be coached on their deficiencies to permit them to improve- unless the behavior is so severe that immediate action must be taken to end their appointment. All such issues should be discussed with the DHS Labor Relations Representative.

APPROVED:

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes, chapter 16A and section 16C.05.

By: 
DocuSigned by:
5457B11AE8BB49D...

Date: 12/30/2021

SWIFT Contract No: IAK 201592


2. MNSure

By with delegated authority): 
DocuSigned by:
EC8826518E5C4F5...

Title: General Counsel

Date: 12/30/2021

3. MN Department of Human Services

By (with delegated authority): 
DocuSigned by:
379F70C21CF04BB...

Title: HR Director

Date: 12/30/2021