

Memorandum of Understanding Between The Washington State Department of Health and The Washington State Board of Health

I. Introduction

The State Board of Health serves the people of Washington by working to understand and prevent disease across the entire population. Established in 1889 by the State Constitution, the Board of Health recommends strategies and promotes health goals to the Legislature and Governor and regulates a number of health activities, including drinking water, immunizations, and food handling.

The Governor appoints ten members who fill three-year terms, with the exception of the Secretary of Health, who serves at the Governor's pleasure. Local health jurisdictions are represented by a local health officer, cities and counties are each represented by an elected official. There are two consumer representatives, and four members represent health and sanitation, one of whom represents the tribes.

The Board monitors the health of the people who live in Washington. It develops rules that protect and promote the public's health and prevent the spread of disease. The Board serves as a forum for the development of public health policy in Washington State, and advises the Secretary on health policy issues pertaining to the department and the state. The Board staffs the Governor's Interagency Council on Health Disparities which is responsible for developing a state action plan to eliminate health disparities by race/ethnicity and gender. The Board's offices and staff are housed at the Washington state Department of Health, which provides technical staff and other support to the Board under RCW 43.20.030 and this agreement.

The Department of Health was established by the Legislature in 1989 under Chapter 43.70 RCW as a way to focus public health attention on programs and issues previously spread across a number of other agencies. There are five divisions within the Department of Health:

- Health Systems Quality Assurance,
- Prevention and Community Health,
- Environmental Public Health,
- Disease Control and Health Statistics,
- Office of the Secretary

All of the divisions, with the exception of the Office of the Secretary, implement some rules adopted under the Board's regulatory authority.

II. Purpose

This MOU focuses on the administrative relationship between the Board and the Department briefly described in statute in RCW 43.20.030, “The department of health shall provide necessary technical staff support to the board.” The purpose of the MOU is to detail how the Board and the Department will interact in order to most effectively and efficiently accomplish the missions of each agency.

III. Definitions

For the purposes of this document the following words shall have the following meanings:

“Board” means the Washington State Board of Health in Chapter 43.20 RCW.

“Department” means the Washington State Department of Health in Chapter 43.70 RCW.

“Technical staff support” means administrative support and services and includes assignment of Department employees to serve as full-time or part-time staff to the Board, who may function as content or technical experts in assisting the Board in carrying out its day to day functions and duties. This term also includes the staff that supports the Interagency Council on Health Disparities. The term does not include the Board’s Executive Director or his or her confidential Secretary, both of whom are employed by the Board.

IV. Roles

The Department will provide necessary technical staff support services to the Board consistent with RCW 43.20.030.

The Board’s Executive Director is responsible for overseeing all administrative activities, policies and procedures required to ensure the Board functions effectively. The Executive Director and Board will comply with state and federal laws, administrative rules, policies, collective bargaining agreements, and Governor’s executive orders and directives.

The Department’s Deputy Secretary provides a conduit for the Executive Director to access agency internal resources and support services. The Executive Director consults with Deputy Secretary regarding issues such as rent, supply needs, budget coordination and human resource needs.

The Department will maintain a liaison to the Board. The liaison will monitor all regular board meetings to identify and track major regulatory and policy issues potentially impacting agency programs or politically sensitive issues. The liaison maintains regular contact with Department

management and the Executive Director and if problems are identified helps assure the appropriate individuals are engaged.

When the Department or the Board develops recommendations that may change the other's statutory authorities or impact agency activities, both parties agree to provide to the other opportunities for comments on drafts as far in advance as possible. Comments will be considered in the formulation of recommendations.

V. Administrative Services

The Department agrees to provide the administrative services, including: financial and business services, human resources, risk management, information technology, records management and public disclosure as well as emergency preparedness support consistent with OFM guidelines and federal and state law. The Board agrees to follow all Department policies and procedures associated with the services provided under this memo of understanding. These services include but are not limited to the following:

Financial Services

The Department provides financial services to the Board, including budget preparation, contract, procurement, and accounting and payroll services.

Budget

A portion of the Department's biennial appropriation will be allocated to support the Board in fulfilling its functions, including paying the costs of the Board's two exempt employees as well as technical staff support that the Department provides to the Board. The Executive Director and the Deputy Secretary will meet prior to budget preparation to discuss the Board's budget needs. In addition, the Department's Budget office will:

- Assist the Executive Director and Board in the preparation of biennial and supplemental budget requests and allotments and submit to the Office of Financial Management (OFM) in conjunction with the Department of Health's submittals.
- Monitor expenditures and provide monthly status of expenditures as compared to allotments/spending plans to the Executive Director.
- Coordinate and finalize fiscal note submissions with written authorization by the Executive Director.
- Assist the Executive Director in developing and submitting the chart of accounts, salary projections, payroll coding changes, and other OFM or Department of Health budgetary requirements.
- Assist the Executive Director in responding to fiscal queries from legislative or OFM staff.

Contracts

The Department will provide contract support to the Board. Contracts may provide for direct services to clients, support services, technology acquisitions, and may be in the form of: interagency agreements and memoranda of understanding (MOU's) with other state agencies, governments, tribes, as well as software licensing and data sharing agreements. The Department's Contract Unit will:

- Provide consultation and assistance to program staff in the development of statements of work, and competitive solicitations.
- Conduct the solicitation process to include meeting any requirements of Department of Enterprise Services (DES), negotiate terms and conditions of contracts if requested to do so, process and prepare contracts for signature.
- Serve as liaison with DES on contractual matters.
- On all standard and nonstandard contracts, review and provide comments/recommendations and negotiate directly with or assist in the negotiation with contractors, if requested to do so for any required modifications to statement of work and contract terms and conditions.
- Maintain contractual records and documentation such as receipt and control of all contract correspondence, amendments, advertisements, DES filings, solicitation information and other documents related to the contract.
- Provide guidance on contract matters to program managers or other operational staff, as needed, including training to project managers and other employees in contracting practices and procedures.
- Ensure that signed contracts are communicated to all relevant parties to provide contract visibility and awareness, and interpretation to support implementation.
- Maintain the Enterprise Contracts Management System (ECMS) database for easy access to Board contract information.
- Serve as the point of contact for the Board on contractual matters, and act as contractual liaison between Board employees and contractors as needed.

Procurement

The Department agrees to:

- Provide expertise in purchasing items, supplies, and services for the Board.
- Train Board staff in Department and state purchasing rules and requirements to ensure all purchasing transactions are completed properly.
- Track all capital asset inventories for Board.
- Seek the best pricing for Board following all purchasing rules.

Accounting and Payroll

The Department agrees to:

- Assure payment of duly authorized vendor billings and contract services.

- Assure payment of duly authorized travel expenditures for Board staff and Board members.
- Process bimonthly payroll and benefits for Board staff and Board members.
- Process all cash receipts/revenue received on behalf of the Board.

Business Services

Mail Services and Materials Management

The Department will manage services provided by Consolidated Mail Services that will provide timely, efficient and cost effective mail service that includes the sorting and delivery of United States Postal Service and campus mail daily.

The Department will provide program support by offering services such as the receiving and delivery of packages and maintaining an inventory of office supplies for Tumwater Campus copy rooms.

Facilities, Equipment and Furnishings

The Department agrees to furnish the facilities, equipment and services needed for the Board staff to use in a manner equal to those afforded Department employees, including conference and meeting rooms and motor pool vehicles.

The Board agrees to follow the Department's processes and procedures in using, requesting or replacing any facilities, equipment or services.

Information Technology Services

The Department provides information technology planning, management, and support services to the Board.

The Department will assist in assessing and recommending technologies or services that meet State Enterprise and Department standards. This includes information technology consulting services, technical assistance and procurement services. The Board agrees to purchase standard technologies that can be supported by the Department.

The Department will assist with information technology activities related to applications and data, such as; project planning, business analysis, information technology security, public records research and disclosure requests, World Wide Web, data administration, and Geographic Information Systems (GIS).

The Department will provide desktop, laptop and handheld services such as; standard hardware and software installation, email support, approved handheld device support, file storage space, voice communications, video conferencing, and web conferencing.

Policy Legislative and Constituent Relations

Rule Making

The Board of Health has broad rulemaking authority. Some of these rules are implemented by the Department of Health, or local health jurisdictions with some Department assistance or oversight. The Board and Department agree to work together in developing rules that impact one another. Rule making may proceed under leadership of Board staff or Department staff depending on available resources, and priorities of either party.

In most cases, Department program staff takes on the management of the rule development process, formulating proposals as recommendations to the Board. Alternatively, the Board may direct its staff to manage and lead a rule development process. Determining who will lead rule development will be based upon mutual agreement between the Executive Director and the Department's liaison to the Board, in consultation with the affected programs. Regardless of whether Board staff or Department staff lead the rule development, the Department's processes, forms and memos will be used during rulemaking for consistency. In addition, the Department will be responsible for:

- Filing all forms with the Code Reviser
- Maintaining the official rulemaking file
- Maintaining information in the Rules Management System Database

The Board may also choose to delegate its rule making authority to the Department under RCW 43.20.050 and Board policy.

Human Resources

The Department provides technical staff support to the Board and this includes assigning some Department employees to serve as full-time or part-time support to the Board. In this capacity, these employees report to the Board's Executive Director for work assignments and directions, leave usage, annual reviews, and all general daily activities. The Secretary (or his or her designee) has authority for the hiring and termination of Department employees and those other Human Resources (HR) functions that require Appointing Authority delegation. The Board's Executive Director will be responsible for effectively recommending actions related to recruitment and discipline to the Deputy Secretary for final implementation.

The Department will provide support and consultation on human resources activities in accordance with all applicable laws, rules, applicable Department policies and procedures and the collective bargaining agreement by and between the State of Washington and the Washington Federation of State Employees. The Office of Human Resources will designate a point of contact for the Board for HR activities which include but are not limited to:

- Classification
- Compensation

- Labor Relations
- Corrective/Disciplinary Actions
- Reduction in Force
- Performance Development Plans
- Recruitment
- Applicable RCW and WAC interpretation
- Application of collective bargaining language
- Training and Development
- Worker's Compensation claims

The Department's Office of Human Resources will also partner with the Executive Director to ensure that Department employees that work with the Board are aware of human resource policies, related expectations for employees and how to raise questions and address issues that arise. The Executive Director will use the Department's established human resource processes, procedures, and systems. Concerns regarding HR activities will be raised to the HR point of contact for the Board or the HR Director for discussion and/or action.

In order to ensure on-going communications the Executive Director and the HR point of contact for the Board will meet regularly. When the HR Office becomes aware of any significant workforce issues that might have an impact on the staff of the Board (such as a reduction in force action), the HR Office will communicate with the Board as early and often as possible. The HR Office will seek the Executive Director's input into changes impacting Board staff and will consider that input before any changes are made.

The Board employs the Executive Director and Confidential Secretary who are exempt from the provisions of the state civil service law, chapter 41.06 RCW. The Executive Director serves at the pleasure of the Board and reports to the Board chair. The Confidential Secretary reports to and serves at the pleasure of the Executive Director.

Records Management & Public Records Disclosure

- The Department will assist the Board with the creation and maintenance of a records retention schedule, including presenting any recommended changes to the State Records Committee for approval as appropriate.
- The Department will assist the Board, upon request, with any requirements (activities or paperwork) for the transfer of records to the State Records Center, the State Archives, or the Digital Archives, and disposition of records that have met their retention period.
- The Department will be primary records custodian for records created in the course of providing administrative support (HR, IT, Financial, etc.) to the Board. In the event of the dissolution of this MOU, both the Department and Board will jointly review such records to determine what records would be required to remain under the custody of the

Department, and what records would be appropriately transferred to the Board or other designated entity.

- The Department will ensure the Board Executive Director is informed of training opportunities in the areas of Records Management and Public Records Disclosure so that Board staff may participate as appropriate.
- The Board will respond to requests for public records independently of the Department; however, the Department will assist Board in searching for responsive records that are in electronic form residing on the agency's network systems.

The Department will ensure the Board Executive Director is informed of any initiatives or changes in the areas of Records Management or Public Records Disclosure that could significantly impact the Board.

Risk Management

The Department will process claims for damages against the Board and its employees. This will include, on the Board's behalf, interaction with the state risk manager, claim settlement, arrangement for defense counsel, and coordination with assistant attorneys general from that agency's tort division. The Department Risk Manager will consult with the Board Executive Director upon receipt of a claim, and at every major step until the claim is resolved. The Department will not authorize settlement of a claim against the Board for more than five thousand dollars without approval of the Executive Director.

The Board is included in the Department's tort liability coverage provided through the self-insurance liability fund (Chapter 4.92 RCW). The Department may assess the Board a proportionate share of its liability insurance premium as if the Board were a sub-division of the Department. The Board's share may only be based on number of employees and/or its claims history.

The Department will include Board assets in any commercial property insurance it obtains for the building which houses the Board. The Board may be assessed its proportionate share of the Department's premium.

The Department will provide safety and other loss-prevention consultation services to the Board. Board staff will comply with agency policies on safety and security. The Department will provide training on these policies as necessary.

Emergency Preparedness

The Department will include the Board and its staff in campus emergency response plans and Board staff will participate in emergency response drills.

The Board is encouraged to provide a representative to the safety and emergency response committee.

The Board shall complete and update as necessary a continuity of operations plan under the guidance of the Department's emergency preparedness staff. In case of emergency, per this agreement and the Board's Continuity of Operations Plan, the execution of the State Board of Health's essential functions will devolve to the Washington State Department of Health.

VI. Review and Effective Date

Review

The Executive Director, in consultation with the Board Chair will review this agreement with the Deputy Secretary by the end of each biennium. The agreement may be revised when necessary and upon mutual written agreement of the Secretary and the Board Chair.

Effective Date

This agreement takes effect on the date of execution and shall remain in full force and effect until terminated or modified by mutual agreement of both parties.

Dated this _____ day of _____, _____

Secretary, Department of Health

Chair, Board of Health