



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 conducts Health Impact Reviews in consultation with the Council, and at the request of the Governor or a state legislator. 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 four divisions within the Department of Health and three centralized offices:

- Health Systems Quality Assurance,
- Prevention and Community Health,
- Environmental Public Health,

- Disease Control and Health Statistics,

Centralized Offices:

- Administrative Operations
- Center for Public Affairs
- Emergency Preparedness and Response

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 this regard 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 comply with applicable state and federal laws, administrative rules, policies, collective bargaining agreements, and Governor’s executive orders and directives.

The Department's Chief of Staff provides a conduit for the Executive Director to access agency internal resources and support services. The Executive Director consults with the Chief of Staff regarding issues such as rent, supply needs, budget coordination, human resource needs, and implementation of this MOU.

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 or legislative proposals that may change the other's statutory authorities or impact their respective 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. The board will have full access and use of the department's legislative, rules and policy tracking systems.

The Board participates in the agency's health equity and diversity and inclusion activities. This collaboration ensures strong communication and partnerships on initiatives and activities for the agency and the state.

The Center for Public Affairs (C4PA) will ensure that board staff are included in the planning and development of any C4PA high priority project that impacts or relies on statutes or regulations that are under the Board's authority.

V. Administrative Services

The Department agrees to provide administrative services to the Board including financial and business, human resources, risk management, information technology, records management, public disclosure, audit, performance and accountability, rule development and communications, as well as emergency preparedness support consistent with OFM guidelines and federal and state law. The Department will include a Board representative on Administrative Operations workgroups and teams that involve these types of services. The Board agrees to follow all Department policies and procedures associated with the services provided under this MOU. To assure adequate opportunity for policy review and comment, the Executive Director will serve on the department's policy review committee.

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 Chief Financial Officer, or designee, 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 these materials 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.
- For legislation impacting the Board, 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 MOU 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 Board 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 or assist in negotiations and conditions of contracts, 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, 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 will:

- 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 will:

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

Business Operational Support Services

Mail Services and Materials Management

The Department will manage services provided by Consolidated Mail Services that includes the sorting and delivery of United States Postal Service and campus mail daily for the Board.

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

Records Management & Public Records Disclosure

The Department will serve as 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:

- 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.
- 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.
- 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.
- 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.
- Provide administrative support, upon request, for large-scale public records requests.
- Notify the Board of public records requests submitted to the Department, if the request pertains to a topic for which the Department and Board have shared work.

The Board will respond to requests for public records, submitted to the Board, independently of the Department; however the Department will assist the Board in searching for responsive records that are in electronic form residing on the Department's network systems.

The Board will notify the Department of public records requests submitted to the Board, if the request pertains to a topic for which the Department and Board have shared work.

Office of Civil Rights and 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.

In support of the Department's Title VI/Limited English Proficiency Non Discrimination Policy, Equal Access for Individuals with Disabilities Policy, and Language Access Plan, the Office of Civil Rights and Risk Management (CRRM) and the Center for Public Affairs (C4PA) have jointly convened a Title VI/ADA Liaisons group. The Executive Director shall appoint a Title VI/ADA Liaison to serve on the group. The Department (through the Equity team within C4PA) will provide technical assistance and resources to assist the Board with implementing the Department's Language Access Plan and to be compliant with the Equal Access for Individuals with Disabilities Policy, including access to the CTS Language Link telephonic interpreter services line and access to any resources set aside for document/web/video/publication translation or ADA compliance.

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, and resulting unavailability of Board staff, 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 Department.

The Information Service Office (ISO) will provide the Board with data sharing consultations, and vendor acquisition consultations to ensure compliance with state and federal requirements. The Department will also facilitate or conduct information asset risk and security assessments.

ISO will also provide security administration for Secure File Transfers (SFT) and tokens for remote access, conduct security assessments of new and existing technology solutions used for increasing the value of the services provided by the Board, conduct assessments of business processes used to distribute information and provide assistance with investigating suspected data breaches, unauthorized disclosures and potential information loss.

Audit

The Department will provide internal audit and advisory services, external audit liaison services, and may provide assistance and training on the Ethics in Public Service Act to the Board and Board staff.

The Department's professional internal audit and advisory services provide independent and objective assessments and assurances on the effectiveness of operations, controls, systems, and processes affecting the Board. The Board may request specific audit or advisory services through the Chief of Staff.

The Department's Office of Internal Audit also serves as liaison with external auditors, including the State Auditor's Office, JLARC, and federal regulators. The Department will provide liaison services for any audit or investigation by the State Auditor's Office affecting the Board. The Department will provide liaison services for other external audits or investigations affecting the Board upon request.

The Department will provide assistance and training on the Ethics in Public Service Act (RCW 42.52) to the Board and board staff upon request. In addition, the Department's internal audit director is a designated official for receiving Whistleblower complaints. Any Board member or staff member can file a Whistleblower complaint with the internal audit director.

Performance and Accountability

The Department will:

- Provide expertise and technical assistance in performance management, quality improvement and strategic planning to the Board.
- Include Board staff in trainings on performance management, quality improvement and strategic planning.
- Track and monitor improvement projects for the Board, upon request.
- Assist the Board in building a performance management dashboard, upon request.

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.

Human Resources

RCW 43.20.030 allows the Board to employ an executive director and confidential secretary, who serve at the Board's pleasure. The Department assigns 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) delegates authority for the hiring and termination of Department employees serving as full-time or part-time staff to the Executive Director, and those other Human Resources (HR) functions that require Appointment Authority delegation. The Board's Executive Director will notify the Chief of Staff on actions related to recruitment and discipline prior to implementation. This includes the use of interns and volunteers as applicable.

The Department will provide support and consultation on human resources activities in accordance with all applicable laws, rules, 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 Executive Director 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.

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 Department assistance or oversight. All of the divisions implement rules adopted under the Board's regulatory authority. The Board

and Department agree to work together in developing rules that impact one another, and processes to adopt such rules. Rulemaking may proceed under leadership of Board staff or Department staff depending on available resources, and priorities of either party.

In many cases, Department program staff will take 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 leads 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.

Communications

The Department and Board will work together on internal and external communication when appropriate. The Executive Director will have access to the Center for Public Affairs for consultation and assistance and will be consulted for recommendations on proposals to change processes. The Board will have access to C4PA services such as livestreaming, video production and graphic design as it becomes available.

When the Board initiates a public announcement or news release, the Board's staff will draft the announcement. If the announcement or news release pertains to a Department program or activities such as those implemented under a Board's rule, Board staff will solicit input from Department staff. The Board will distribute the announcement or news release to the media upon the Executive Director's approval. The Department will share routinely updated media distribution lists with the Board's Communications Consultant.

When the Department is preparing to issue an announcement or news release related to a program implemented under the Board's rules, Department staff will provide the Board's Communications Consultant and Executive Director an opportunity to review and comment.

Board and Department communication staff will notify one another of any media interviews related to programs implemented under the Board's rules, on issues of mutual interest, or issues or work that relate to the Board's authority. Board and Department communications staff will share Governor's alerts with one another. Board and Department communication staff will meet regularly and the Board's communication consultant may participate in the Department's media relations work groups.

VI. Review and Effective Date

Review

The Executive Director, in consultation with the Board Chair will review this agreement with the Chief of Staff 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 modified by mutual agreement of both parties.

Dated this _____ day of _____, _____

Secretary, Department of Health

Chair, Board of Health