SUBJECT: Joint Powers Agreement between South Dakota Board of Regents and South Dakota Bureau of Human Resources

Pursuant to the provisions of SDCL 1-24-2, the South Dakota Board of Regents (BOR) and the State of South Dakota Bureau of Human Resources (formally the Bureau of Personnel) maintain an agreement that delineates procedures and responsibilities relating the civil service employees (now referred to as career service employees), covered by SDCL 3-6C-2 (previously SDCL 3-6A). In 2012 the State Bureau of Personnel (BOP) reorganized and is now the Bureau of Human Resources (BHR). As a result of this reorganization, the Joint Powers Agreement that has been effect since 2005 required updating to reflect the references to SDCL and Administrative Rules.

The Joint Powers Agreement attached reflects updates to the relevant SDCL, Administrative Rules. This document reaffirms BOR’s commitment to administer and unify those procedures and ensures compliance with the State of South Dakota Civil Service Commission rules and statewide policies.

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RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

Approve the renewal of the Joint Powers Agreement between BOR and BHR.
AGREEMENT FOR THE JOINT EXERCISE OF GOVERNMENTAL POWER BETWEEN THE SOUTH DAKOTA BOARD OF REGENTS AND THE SOUTH DAKOTA CIVIL SERVICE COMMISSION ACTING THROUGH THE SOUTH DAKOTA BUREAU OF HUMAN RESOURCES

Pursuant to the provisions of SDCL 1-24-2, the South Dakota Board of Regents, herein referred to as BOR, and Bureau of Human Resources, herein referred to as BHR, and the Civil Service Commission, herein referred as Commission, enter into the following Joint Powers Agreement:

I. DURATION

This agreement is effective from April 1, 2014, through March 21, 2015 and continues in effect on a year-to-year basis until or unless either party rescinds its approval in accordance with paragraph V.

II. ORGANIZATION

This agreement creates no separate legal or administrative entity.

III. PURPOSE

The purpose of this joint power agreement is to delineate procedures and responsibilities relating to civil service employees of the BOR, covered by the provisions of SDCL 3-6D, so as to most effectively administer and unify those procedures and responsibilities with those of the executive branch of state government.

IV. FINANCING AND BUDGETS

Expenses incurred by either party in complying with the requirements of this agreement are the sole responsibility of that party. The parties may, by prior written agreement, share expenses incurred by either party in assisting or advising the other.

V. TERMINATION

This agreement terminates 30 days after either party rescinds its approval.

VI. OTHER MATTERS

A. General Agreement.

The BOR, in accordance with SDCL 3-6C-2, shall, as set forth in this agreement, administer the Civil Service Act for all BOR's staff including all of the institutions governed by the BOR. The BOR shall comply with SDCL 3-6D Civil Service Act (CSA) and the rules established by the Commission for the general implementation and administration of SDCL 3-6D. The Commissioner for the BHR shall advise and assist the BOR, in cooperation with the
BOR’s Director of Human Resources, on the proper implementation and administration of Commission rules. The Commissioner shall review, in cooperation with the BOR’s Director of Human Resources, the BOR’s CSA policies and procedures to assure compliance with the Civil Service Act, Commission rules and statewide policies.

B. Specific Items of Agreement.

(1) Applications.

The BOR, through its Director of Human Resources, shall establish all CSA positions in the higher education system and shall announce CSA positions in compliance with Civil Service Commission rules.

In order to assure uniform selection procedures, BHR shall, when requested by the BOR’s Office of the Executive Director, provide assistance, advice or training to BOR’s employees (including the institutions governed by the BOR).

(2) Certifications.

BHR and BOR shall share the names, addresses, classifications, and other information on CSA employees with reemployment rights. Any civil service employee with reemployment rights shall be treated in accordance with ARSD 55:10:02:09 and shall have reemployment rights with either party.

(3) Classification.

BHR may, in cooperation with BOR’s Office of the Executive Director, review CSA positions to determine whether they have been properly classified. BHR may, at the request of BOR’s Office of the Executive Director, review non-faculty exempt positions to determine whether these positions are properly exempt from the CSA.

(4) Compensation.

BOR shall file its most current CSA employee compensation plan for overtime, compensatory time, seasonal employees, holiday pay and inconvenience pay with BHR.

BOR shall administer the following:

55:10:11:05 Compensation for part-time permanent employees.
55:10:11:06 Starting rate on initial employment.
55:10:11:07 Starting rate on return to duty.
55:10:11:08 Starting rate on return from military service.
55:10:11:09 Rate of compensation of exempt state employee entering the civil service.
55:10:11:11 Rate of pay on demotion or reclassification to lower pay grade.
55:10:11:12 Rate of pay on transfer.
55:10:11:13 Rate of pay on promotion.
55:10:11:14 Rate of pay on reclassification to higher pay grade.
55:10:11:10 Rate of pay as a result of the change in salary range of a class.
55:10:11:15 Rate of pay for additional duties.
55:10:11:17 Basis for salary adjustment.
55:09:05:01 Overtime administration.
55:09:05:03 Inconvenience Pay.
55:09:05:04 Hours worked.
55:09:03:01 Compensation for work performed on holidays.
55:09:03:02 Holiday Pay.
55:09:05:02 Salaried employees not eligible for overtime payment.

BOR shall follow BHR’s salary guidelines for CSA employees, unless changes are approved by the Commissioner of BHR.

(5) Grievances. BOR shall provide BHR an updated copy of its grievance procedure and comply with the provisions of SDCL 3-6D and ARSD 55:10 regarding the administration of grievances and appeals.

(6) Performance Appraisal.

Performance appraisals shall be kept current for all CSA employees. The BOR and BHR approved forms shall be used. BHR may, after notifying the BOR’s Office of the Executive Director, review performance appraisals.

(7) Benefits and Leave.

BOR shall file its most current policies for annual and sick leave and holidays with BHR. All donated and requests for leave without pay for CSA employees are subject to the approval of the BOR’s Director of Human Resources. The BOR’s Director of Human Resources may request medical certification for employment purposes (e.g., donated leave, absenteeism, return to work, performance, etc.). The BOR’s Director of Human Resources will provide a summary of all leave as requested by the Commissioner of BHR.

(8) Payrolls.

The payrolls of CSA employees are subject to the approval of the BOR’s Director of Human Resources. BOR will maintain records required by SDCL 3-6D and shall make these records available to BHR upon request. Approved payrolls will be forwarded to BHR upon request.
(9) Training.

BOR shall be responsible for the development and administration of the training program for its civil service employees. BOR and BHR agree to cooperate in providing training for their respective civil service employees wherever feasible.

VII. Additional Items.

A. The BOR’s Executive Director, or designated representative, and the Commissioner of BOR, or designated representative, are responsible for the administration and enforcement of this joint powers agreement.

For the South Dakota Board of Regents

[Signature]

Executive Director

For the South Dakota Civil Service Commission and the South Dakota Bureau of Human Resources

[Signature]

Chairperson

[Signature]

Commissioner

Director of Human Resources