



State of North Carolina
Department of Public Safety

POLICY
REQUIREMENTS & PROCEDURES

HUMAN RESOURCES

Division: ADMINISTRATION

Chapter: HUMAN
RESOURCES

Policy: HR 0.2 - SUPPLEMENTAL
STAFF:

- . Temporary Employees
 - Temporary Solutions
 - Direct Hires
- . Personal Service
- Contractors
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- Providers

Issue Date: October 30, 2014

Revised:

Purpose and Policy

The purpose of supplemental staff is to fill a workforce need for a limited period of time. Supplemental staff, while not to be used to permanently expand the workforce beyond authorized levels, can provide valuable resources in times of need. To ensure consistency in the management of supplemental staff personnel and compliance with State Human Resources Policy, the following Department policy has been developed.

It is the policy of the Department of Public Safety (DPS) to establish and maintain a supplemental staff employment procedure consistent with State laws, policies, and best practices.

DPS HR has the responsibility to monitor and ensure compliance with policy; therefore, under no circumstances shall an individual begin employment prior to receiving the appropriate approval as described in the procedures.

Each division shall be responsible for ensuring that temporary/contractual staff members are aware of and adhere to policies, procedures and division specific standard operating procedures, e.g., confidentiality standards, etc.

Definitions

Temporary Employee - A temporary employee is for a limited term, normally three (3) to six (6) months. The temporary employment period shall not exceed eleven (11) consecutive months. Full time students and retired employees are exempt from the eleven (11) month maximum limit if specific requirements are met. Undergraduate students taking at least twelve (12) semester hours or graduate students taking at least nine (9) semester hours are considered full time students and are therefore exempt from the eleven (11) month maximum limit. If retired employees sign a statement that they are not available for nor seeking permanent employment, they may have temporary appointments for more than eleven (11) months. "Retired" is defined as drawing a retirement income and/or social

security benefits. Retirees from the State of North Carolina drawing retirement compensation from the Teachers' and State Employees' Retirement System are not eligible for re-employment with the state until six (6) months after initial retirement and are subject to an annual earning limit as established by the North Carolina Department of State Treasurer.

Those **not** exempt from the eleven (11) month maximum limit will be required to take a thirty-one (31) day break in service on or before their eleventh (11th) month. Examples of employment needs for a temporary employee include but are not limited to administrative roles; trades-mechanics; electricians; masons; CDL truck drivers; Criminal Justice certified and/or sworn classifications; educators, disaster reservists, etc.

Employees with a temporary appointment do not earn or accrue leave, total state service credit, health benefits, retirement credit, severance pay or priority reemployment consideration.

In addition to temporary employees, workforce needs may be met by Personal Service Contracts and/or Contractual Service Providers (formerly Independent Contractors). These requirements and procedures are managed by the DPS Purchasing Office. However, definitions are given below for clarification.

Personal Service Contract - Services are provided by a professional individual on a temporary or occasional basis. Such services may include, but are not necessarily limited to doctors, dentists, trainers, attorneys, trades and other professions requiring a license or specific certification. Personal Service Contracts are utilized when services are needed and provided directly by an individual under a direct employment contract. A Personal Service Contract may be issued for up to thirty-six (36) months with each twelve (12) month increment requiring a thirty-one (31) day break in service.

Contractual Service Provider - Services require specialized knowledge, experience, expertise, professional qualifications or similar capabilities. The general rule for a Contractual Service Provider is the agency has the right to only direct the result of the work and not the means and methods of accomplishing the result. Contractual Service Providers will be contracted as proprietorships and/or limited liability corporation (LLC). Individuals operating as a business (proprietorship or LLC) must provide a copy of their business license and/or articles of incorporation.

Specific guidelines, requirements and procedures for Personal Service Contracts and Contractual Service Providers can be found in the DPS Purchasing Manual.

Position and/or Employee Changes

Managers shall ensure any substantial changes in the duties and responsibilities of the supplemental staff position are communicated to DPS Human Resources. Advance HR review and approval is required for changes in pay rate.

Affordable Care Act (ACA)

Effective January 1, 2015, supplemental staff employees that are deemed full time as defined by the Affordable Care Act (ACA) will be eligible for the High Deductible Health Plan (HDHP) healthcare coverage. Employees who are reasonably expected to work thirty (30) or more hours at the time of hire are considered ACA full time and are eligible for the HDHP healthcare coverage on the 1st of the month following their hire date. Employees who are not reasonably expected to work thirty (30) or more hours upon initial hire are considered ACA non full time and will be measured beginning the 1st of the month following their hire date for 12 consecutive months to determine future eligibility. Specific information regarding rates and coverage can be found at www.shpnc.org/hdhp.aspx.

Prison Rape Elimination Act (PREA) Requirements

The North Carolina DPS has adopted a zero-tolerance standard for sexual abuse in its prisons, juvenile justice centers, community corrections facilities and other locations related to supervision. The intent of PREA is to ensure a safe, humane and appropriately secure environment, free from the threat of sexual abuse of all inmates, offenders, and juveniles.

All employees working with DPS, including all supplemental staff, are subject to all PREA requirements as defined in applicable policies based on assigned work areas. In addition, the PREA Acknowledgement form must be signed and receive the appropriate training based on work area within the agency. For detailed information, please contact the DPS PREA Office.

Temporary Employee Access to Systems

Depending on the work location and job assignment/duties, supplemental staff/temporary employees may need access to various data systems used by DPS, to include SAP/BEACON, OPUS, NCAS, E-Procurement, etc. The standard process for obtaining access will apply and the appropriate sections/individuals shall be contacted to request access for the employee. The supplemental staff/employee shall complete all required training necessary for access and will be held accountable for maintaining the confidentiality of any and all information to which he/she is granted access.

Procedures for Requesting Supplemental Staff

A. Complete HR 022 Request for Supplemental Staff Form

All requests for supplemental staff shall be initiated by the work location and submitted through the appropriate chain-of-command for signature approval. Once signatures are obtained, requests should be sent individually to the DPS HR Office via email to the following address:

DPS_HR_EMPLOY_SupplementalStaff@ncdps.gov. The DPS HR Office will serve as the point of contact for all supplemental staffing requests and will work in close coordination with Purchasing and Logistics when needed.

The following information shall be provided on Form HR 022:

- Position Number, if known;
- Type of Request and Date Submitted;
- Requested Classification Title, Salary Grade, CJ Certified box, and Hourly Pay Rate;
- Appointment Type, Total Weekly Hours, and Requested Start Date;
- Work Location, including Division/Section and Work Unit Name and Address;
- Budget Code and Form Completed By;
- Supervisor's Information and Billing Contact's Information
NOTE: The billing contact should be at the designated contact/division work location, (not with HR or accounting) so that the approval for payment can be obtained in a timely manner;
- Candidate Name, Phone Number, and Personnel Number, if applicable;
- Reason for Supplemental Staff request;
- Justification, Description of Duties, and Knowledge, Skills and Abilities;
- Signature of the Requesting Manager and the Region and/or Section Manager.

Form HR 022 can be found at: <http://www.ncdps.gov/Index2.cfm?a=000002,002675>.

B. Review of HR 022 Request for Supplemental Staff Form

Upon receipt, HR will review the HR 022 for accuracy and determine which Supplemental Category is best suited for the position, i.e., Direct Hire, Temporary Solutions, Personal Service Contract or Contractual Services Provider.

Once the category determination has been made, HR will forward the request to the Budget Office and the appropriate Commissioner/designee for final approval. Upon receipt of final approval, HR will process the request based on the selected category.

Procedures for Supplemental Staff Categories

A. General Provisions

A supplemental staff assignment may not exceed eleven (11) months before the supplemental staff employee must take a thirty-one (31) day break in service. Contractual Service Providers, retirees drawing a retirement income and/or social security benefits and full time students are exempt from the break. A service break can be taken anytime during the eleven (11) months to accommodate the needs of the work location.

Once a supplemental staff employee starts the required service break, a Form HR 022 must be submitted through the chain of command if the work location chooses to reinstate the supplemental staff employee after the service break requirement has been satisfied.

A new HR 022 must be completed every eleven (11) months even for those who are exempt from the thirty-one (31) day break to ensure funding is still available and that there is still a business need for that individual.

When a temporary employee is hired into a permanent position with DPS, a New Hire Packet to include a Personnel Action Request - PAR – HR017 and all other supporting new hiring documents must be submitted by the receiving work location to the Central HR or the Regional Employment Office (REO) location. The temporary employee's personnel number must be indicated on the PAR – HR017. The Central HR Office or the respective REO will process and enter the information into BEACON/SAP.

The Work location **does not** need to submit PAR – HR017 Form to separate the employee. This will be a transfer Temporary to Probationary Action. (NO Separation Form Needed).

Competency assessments are required for banded positions for Direct Hire temporary employees and Temporary Solutions temporary employees.

B. Direct Hire Temporaries

If a request is deemed appropriate for Direct Hire, HR will obtain the appropriate Commissioner/designee's Office and Budget Office approvals. Once approved, HR will establish a temporary position in Beacon/SAP, and notify the hiring manager of approval.

The hiring manager must adhere to the OSHR Selection policy regarding nepotism and Equal Employment Opportunity guidelines in selecting a temporary employee.

The standard hiring procedures for permanent employees (e.g., certified/sworn requirements met) shall apply once a candidate is selected for a temporary position.

The temporary employee will complete a timesheet for hours worked or enter time through ESS in Beacon/SAP, whichever is used by the particular work location. Temporary employees are paid bi-weekly through BEACON.

HR will monitor the temporary employees duration while in a temporary employment status. The appropriate approval for direct hire temporary employees is DPS Human Resources.

C. Temporary Solutions Temporary Employees

Temporary Solutions was established by the North Carolina Office of State Human Resources (OSHR) to provide temporary staffing services for State Government agencies. DPS will utilize the services of Temporary Solutions for temporary employment needs, except for approved exceptions by OSHR. Temporary Solutions will be responsible for advertising, recruiting, screening and recommending temporary employment candidates when a candidate has not been requested by DPS. OSHR may approve the use of an alternate temporary agency if candidates are not available through Temporary Solutions.

If a request is deemed appropriate for Temporary Solutions, HR will forward the request to them for further processing. Temporary Solutions will assign the job request to a placement counselor. If a particular candidate was requested by the work location, the placement counselor will contact the candidate with applicable information necessary to register with Temporary Solutions. Candidates do not need to send in paperwork until contacted by Temporary Solutions. If no candidate was specified on Form HR 022, Temporary Solutions will recruit from their applicant database or post the temporary position in NeoGov. Once a candidate has been identified, Temporary Solutions will notify the work location. At this point, the supervisor may choose to interview the proposed candidate before hire or accept the candidate that Temporary Solutions has recommended. Once a candidate has been selected, the hiring manager should follow up with Temporary Solutions to obtain the applicant's start date, approved hourly wage and billing rate.

Due to the rapid requirement of having disaster reservists in the field following a disaster, Emergency Management is authorized to work directly with Temporary Solutions to fill the required disaster staffing needs. Emergency Management will forward an informational copy of HR 022 to DPS Human Resources.

Timesheets are due on the last day of the bi-weekly pay period and must be sent to Temporary Solutions. The timesheets shall not be sent to HR. Information regarding the timesheet process including directions on where to submit can be

found on the Temporary Solutions website at: www.nctemporarysolutions.com.
Temporary employees are paid bi-weekly through BEACON.

When a temporary employee assignment has ended, the work unit must write “Last Timesheet” at the top of the final timesheet if the temporary employee is leaving State government. They must write “Permanent” at the top of the final timesheet if the temporary employee has obtained permanent employment within State government. In addition, when a temporary employee ceases employment, DPS Human Resources and Temporary Solutions must be notified within twenty-four (24) hours of the temporary employee’s last day worked (this includes 31 day breaks). Notification should include the employee’s written resignation with personnel ID number and can be forwarded to DPS HR (DPS_HR_EMPLOY_SupplementalStaff@ncdps.gov) and Temporary Solutions. Temporary Solutions will send invoices bi-weekly to the designated billing contact on Form HR 022. The billing contact will maintain copies of the temporary employee’s timesheets to reconcile against the invoices. Once the invoice and timesheet are reconciled, they shall be submitted with the appropriate funding codes and authorized signatures to the Controller’s Office for payment. The Controller’s Office will verify the hourly rate with the billing contact, hiring manager, and/or DPS HR, and process payment for the invoice accordingly. Information regarding billing rates including administrative fees can be found on the Temporary Solutions website at: www.nctemporarysolutions.com.

A PAR – HR017 does not need to be submitted at any time when a temporary employee is employed through Temporary Solutions.

The appropriate approval for Temporary Solutions temporary employees is DPS Human Resources or Temporary Solutions.

D. Personal Service Contract

If a request is deemed appropriate as a Personal Service Contract, HR will coordinate with Purchasing and Logistics to process the request. The rules involving a thirty-one (31) day break in service still apply unless exempted as described under the “Definition” and “General Provisions” sections above. The policy regarding Personal Service Contracts can be found in the DPS Purchasing Manual at: <https://www.ncdps.gov/emp/Policies/Purchasing/DPS Purchasing Manual-070214.pdf>.

The appropriate approval authority for personal service contractors is DPS Purchasing and Logistics.

E. Contractual Services Provider

If a request is deemed appropriate as a Contractual Services Provider (formerly known as an Independent Contractor), HR will coordinate with Purchasing and Logistics to process the request. The policy regarding Contractual Services Providers can be found in the DPS Purchasing Manual (see link above).

The appropriate approval authority for contractual services providers is DPS Purchasing and Logistics.

Payment will be made following receipt and acceptance of an invoice against a purchase order.