

Office of Court Administration Contract Workforce Policy

Purpose The purpose of this policy is to establish procedures for the use of contract workers by the Office of Court Administration (“OCA”). Contract workers are independent contractors, temporary workers supplied by staffing companies, contract company workers, and consultants.

Authority to Contract and OCA’s Contract Review Process Only the administrative director of the agency or his or her designee is authorized to sign contracts on behalf of the agency. Each contract presented for signature shall be in duplicate originals and accompanied by a purchase requisition and by a cover sheet. The contract cannot be signed unless the Chief Financial Officer and General Counsel or their designees have indicated on the cover sheet that they have read and approved the contract. In addition, contracts that include information technology services must be reviewed and approved by the Information Services director or his or her designee.

Contracts involving a contract workforce must be reviewed and approved by the following persons or their designees, who certify by signing the contract approval cover sheet that they have examined the following issues:

- Human Resources Officer, for workforce analysis
- Chief Financial Officer, for cost-effectiveness
- General Counsel, for legal issues and their consequences

Agency Staffing Strategy The human resources officer will prepare an agency staffing strategy on a biennial basis in conjunction with the agency strategic plan. In developing a strategy, the human resources officer will review the overall goals and objectives in the strategic plan, both short and long term. Next, the human resources officer will consider the existing skills of workers compared to those needed in the future. Third, the human resources officer will consider the cost of salary and benefits for each position along with productivity. Finally, the human resources officer will consider the type of work to be performed, the volume of the workload, the time required to complete a project, and the cyclical nature of the services provided.

Cost/Benefit Analysis OCA shall perform a cost benefit analysis before contracting with additional contract workers or amending or severing existing contracts using the methods in the State Auditor's Report on *Best Practices and Guidelines for Effectively Using a Contract*

Workforce.

The Chief Financial Officer or his or her designee will assist the director of the agency division that will be employing the contract worker(s) in performing and documenting the analysis in conformity with the auditor's guidelines.

Workforce Analysis

The director of the agency division that will be employing the contract worker(s) will assist the Human Resources officer in performing a workforce analysis to compare the contract workforce request with the biennial agency staffing strategy. By signing the contract approval cover sheet, the Human Resources officer is documenting and certifying that the workforce analysis occurred.

Contract Guidelines

To minimize the risk of creating an employer/employee relationship when a contractor's services are utilized, OCA generally will follow these guidelines:

- Execute a written contract with the independent contractor or vendor
- Refrain from directly paying FICA, unemployment tax or workers' compensation costs, although reimbursement for such costs to a contractor is allowed
- Specify in the contract any requirements for where and when work will be performed, and impose such requirements only if they are a business necessity. For example, a programmer must work when the computer system is available for development
- Specifically disclaim entitlement to any OCA benefits such as retirement or leave benefits
- Require contractor to be responsible for business expenses, although either OCA or the contractor may supply appropriate equipment and tools

To ensure successful outcomes of contract projects, OCA shall base payment for services upon successful completion of the project, job, or deliverable, and will consider including the following provisions in its contracts:

- Impose a penalty upon the contractor for failure to produce the result specified in the contract
- Retain a percentage of the total contract amount until satisfactory completion of the project
- Require contractor to maintain liability insurance or a performance bond
- Require progress reports from contractors.

Temporary Agencies

The OCA maintains contracts with several temporary service

vendors to provide temporary services. If such services are required, the requesting division director must document the request on a purchase requisition form with the following information:

- why the temporary is needed;
- the type of temporary needed (classification title);
- the skills and equipment required for the position; and
- the length of time the services will be needed (include a starting and ending date).

Before being signed by the Administrative Director, the purchase requisition must be approved by the Division Director, the Human Resources officer, and the Chief Financial Officer. By approving the purchase requisition, the Human Resources officer is certifying that the workforce analysis occurred, and the Chief Financial Officer is certifying cost-effectiveness.

Only OCA purchasing staff may contact the temporary agency.

Orientation

Contract workers who will be on OCA premises on more than an occasional basis are required to go through an orientation session with the Human Resources officer on applicable agency policies. The Human Resources officer will document the policy orientation.

Policy Compliance

Contract workers are required to adhere to and are afforded the protections of applicable OCA policies, such as the following:

- Information Services Policies and Procedures (including Vendor Access, Computer Security, Email and Internet Use, IS Change Management, IS Internal Security, and Software)
- Human Resources Policies (including Equal Employment Opportunity, Harassment, Dress Code, and Safety)
- Finance and Operations Policies (including Property and Telephone).

The applicability of different policies will be determined by agency management, and will depend on such factors as how often the contract worker will be on OCA premises and whether they will be using OCA property, equipment, and information resources. Management will conduct prompt investigations of allegations of violations of agency policy by or against contract workers and take appropriate remedial action.

Evaluating Contract Workforce

OCA will comply with the Appropriations Act or other applicable law in reporting on the agency's use of a contract workforce.