

Temporary Employment

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Policy:

The purpose of temporary employees is to fill a workforce need for a limited period of time. Temporary employees, while not to be used to permanently expand the workforce beyond authorized levels, can provide valuable services in times of need.

It is the policy of the Office of State Human Resources (OSHR) to establish and utilize temporary employees consistent with laws, policies, and best practices. OSHR has the responsibility to monitor and ensure compliance with policy; therefore, under no circumstances shall an individual be utilized as a temporary employee prior to receiving the appropriate approval as outlined in this policy.

With the authority granted by 2013 NC Executive Order #4 “Temporary Employment Services” the Cabinet Agencies were required to utilize the NC Office of State Human Resources (OSHR), through Temporary Solutions to secure temporary employees. House Bill 97 further established that all State agencies which utilize temporary employees to perform work, excluding Information Technology related work, shall employ all temporary employees through OSHR, Temporary Solutions.

This policy applies to:

- Temporary Employees via Temporary Solutions; and
- Temporary employees via External Temporary Staffing Vendors.

Information Technology Classification Exception:

The Department of Information Technology (DIT) has established contracts with specific vendors to supply short term staffing (i.e. temporary employees) for Information Technology job classifications and therefore agencies requiring temporary employees for IT job classifications should contact DIT directly to initiate this request.

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Covered Employees:

A temporary employee is an employee on a temporary appointment, for a limited term, which shall not exceed eleven (11) consecutive months unless certain exceptions are met. A temporary employee will be assigned to a temporary appointment which can include job classifications and responsibilities such as administrative roles, accounting, procurement, skilled trades-mechanics, electricians, health care professionals, educators, etc.

Temporary employees with a temporary appointment are employees of Temporary Solutions or the temporary staffing vendor and are not employed by the individual Agency.

Those temporary employees assigned through Temporary Solutions do not:

- earn leave, including sick leave and vacation leave;
- receive total state service credit;
- earn retirement credit;
- earn career status

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Temporary employees are not state employees and are **ineligible** for the following:

- severance pay;
- priority reemployment consideration;
- promotional priority, or
- allowed to grieve a disciplinary action and may be separated at any time during their contract period.

Temporary employees may be eligible for certain across the board pay increases or incentive payments depending on the Agency funding stream. For additional information, consult the Agency HR staff.

Covered Agencies:

All Cabinet, Council of State, Board and Commission must utilize Temporary Solutions to provide temporary employees unless the temporary employee is performing Information Technology related work.

Any exception to this policy must be requested in advance and in writing to the Director of the Office of State Human Resources. The exception request must provide business justification and documentation of why the request is being made.

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Responsibilities Regarding Temporary Employment

Temporary Solutions

As part of the administrative fee charged by Temporary Solutions to the requesting Agency, Temporary Solutions is responsible for:

- advertising position;
- recruiting for position;
- screening applicants;
- providing recommended candidate(s) for position;
- creating NCID and email address;
- administering pay;
- tracking hours worked to identify Temporary Solutions' employees who qualify for the High Deductible Health Plan benefits and notifying those employees of said qualification; and
- monitoring all temporary employees and providing advance notice to all employees and managers regarding required breaks in service for the temporary employee.

OSHR

OSHR serves as the policy administrator and as a part of that role will:

- Maintain a list of approved outside vendors for each State agency;
- Report biannually to the Joint Legislative Oversight Committee & Fiscal Research Division;
- Review and approves requests for exception requests from State agencies.
- Review approved exceptions on an annual basis for continuation or termination.

Agency

Each State agency is responsible for ensuring all temporary employees are aware of and adhere to internal policies, procedures and division/ facility/ office specific standards (e.g. confidentiality, HIPAA, background check).

Position and/or Assignment Changes

The supervisor of the temporary employee shall ensure any substantial changes in the duties and assignments of the temporary worker are communicated to the Agency HR Office. The Agency HR Office must review and approve any changes in the status or pay rate in advance of its effective date.

Timesheets

Temporary Solutions' employees are paid bi-weekly through BEACON HRIS

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Timekeeping System. All Temporary Solutions employees will be assigned an NCID account, to be initiated and issued by Temporary Solutions. If a requesting agency is a non-BEACON HRIS agency, arrangements will be made to ensure payroll is processed in a timely manner.

Health Insurance – Temporary Solutions

Temporary Solutions staff working thirty (30) hours or more per week on average will be eligible for health care insurance coverage at the temporary worker's option through the Affordable Care Act (ACA). Temporary Solutions will notify the employee and agency of eligibility. The Agency will receive a separate invoice for the cost of Temporary Solutions employee health coverage.

Agency HR Office

The HR Office serves as the point of contact for information on requesting a temporary worker utilizing Temporary Solutions and approved external Temporary Staffing Vendors. The HR Office will:

- Ensure that the request has been completed with appropriate approvals.
- Respond to requests for information on classification or pay issues.
- Reviews any requests for exceptions and/or waivers and submit on agency behalf to OSHR Temporary Solutions.

Requirements Regarding Temporary Employees

Break in Service

Temporary employees provided through Temporary Solutions and approved Temporary Staffing Vendors shall only be employed no more than eleven (11) consecutive months. When temporary employees reach eleven (11) consecutive months of service, the employee is required to take a thirty-one (31) day break. The break can be taken anytime during the eleven (11) months to accommodate the needs of the agency. Once a temporary employee fulfills the required break, a new activation form must be resubmitted to Temporary Solutions if the agency chooses to reemploy the temporary worker.

Exemptions from Break in Service and Accompanying Guidelines:

- A) State of North Carolina Retirees

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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 earnings limit as established by the North Carolina Department of State Treasurer. State Retirees must sign a statement that they are not available for nor seeking permanent employment.

State retirees are exempt from the 31-day Break in Service and can have a temporary assignment for more than eleven (11) consecutive months. Regardless, a new Temporary Services Job Order Form must be completed every eleven (11) months, even for those who are exempt from the thirty-one (31) day break. This requirement is to ensure funding is available and confirms there remains a business need to continue that individual.

All rehired State Retirees who return as a temporary worker are required to utilize Temporary Solutions as the source agency.

Temporary rehired State Retirees who become Temporary Solutions employees are eligible to maintain the State Health Plan (SHP) coverage through the Retirement System. However, if the retiree is expected to work (30) hours or more per week, the State agency where the retiree is on assignment will be responsible for the cost of the State Health Plan.

B) Non-State of North Carolina Retirees

An individual drawing a retirement income from a private company, military/federal government, or any other state retirement system and/or social security benefits is also exempt from the thirty-one (31) day break in service. Regardless, a new activation form must be approved and completed every eleven (11) months, even for those who are exempt from the thirty-one (31) day break. This requirement is to ensure funding is available and confirms there remains a business need to continue that individual.

C) Students

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 and 31-day break in service.

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- D) Inmates that are on work release programs are exempt from the 31-day break

External Temporary Staffing Vendors:

When an exception to utilize other vendors outside of Temporary Solutions has been approved by the State Human Resources Director, the following requirements are the responsibility of the employing agency:

- The Agency must work with the purchasing department (or designee) to ensure they abide by established procurement rules and protocols prior to hiring any temporary employees via the External Temporary Staffing vendor.
 - Notification of and adherence to Break in Service for these temporary employees. Employees supplied through the external temporary staffing vendor are required to take a thirty-one (31) day break from any work after eleven (11) consecutive months of service.
 - Maintain the Temporary Worker Tracking Log.
 - Notification of qualification of health care coverage under the Affordable Care Act (ACA) guidelines.
 - NCID and e-mail issuance.
 - Timekeeping and all payroll actions.
 - All other HR actions necessary to process the temporary employee.
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Definitions

<u>Term</u>	<u>Definition</u>
<u>Agency</u>	The executive branch of State government, such as a department, an institution, a division, a commission, a board, or a council, regardless of whether or not the agency is part of the Council of State.
<u>Temporary Appointment</u>	A limited term appointment that shall not exceed eleven (11) consecutive months unless certain exceptions are met as detailed in this document.
<u>Temporary Employee</u>	Non-permanent employee who is needed for a specific period of time. Temporary worker may be further defined as either a worker obtained through Temporary Solutions, or from an approved external temporary staffing vendor.
<u>Temporary Solutions</u>	Temporary Solutions, within the North Carolina Office of State Human Resources (OSHR) provides temporary staffing services for State agencies.
<u>External Temporary Staffing Vendors</u>	Vendors who supply temporary employees to supplement the current workforce over a specific period of time in lieu of Temporary Solutions.
<u>State of North Carolina Retiree</u>	An individual drawing a retirement income from the NC Teachers & State Employees Retirement System and/or social security benefits.
<u>Non-State of North Carolina Retiree</u>	An individual drawing a retirement income from a private company, military/federal government, or any other state retirement system and/or social security benefits.
<u>Student</u>	Undergraduate student taking at least twelve (12) semester hours or graduate student taking at least nine (9) semester hours are considered full-time students.
<u>Agency Office of Purchasing and Contracting</u>	Administers specific guidelines, requirements and procedures regarding Temporary Staffing Vendors.

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