

**USE OF TEMPORARY HELP SERVICE FIRMS
OD Executive Office**

Authority

5 CFR 300.501 - 300.507 provides Federal regulations for the use of private sector temporary help service firms to meet short-term critical needs which are defined as:

- A. Sudden or unexpected occurrences;
- B. Emergencies;
- C. Pressing necessities; or
- D. Exigencies.

The above occasions are characterized by additional work or deadlines required by statute, Executive order, court order, regulation, formal directive from the agency head or designee or agency mission. Recurring, cyclical workload is not considered a critical need. The temporary critical need must be one that cannot be met with a current employee or through direct appointment of a temporary employee. The temporary services mechanism cannot be used merely to cover an employee's vacation period. Temporary help services must not be used to (1) circumvent civil service laws for competitive recruitment of permanent positions or appointment of surplus or displaced employees under Career Transition regulations, (2) fulfill duties normally assigned to the Senior Executive Service or satisfy work requirements of managerial or supervisory positions, or (3) circumvent controls on FTE ceiling levels.

Appropriate Use of Temporary Help Service Firms

One of the following short-term situations must exist:

- A. An employee is absent for a temporary period because of personal need (emergency, accident, illness, maternity, parental or family responsibilities or mandatory jury duty) not including vacations or other noncompelling or noncritical need situations; or
- B. The agency must carry out work of a temporary nature for a temporary time period which cannot be delayed due to a critical need.

The following time limits apply:

- A. A temporary help service firm(s) may be used in a single situation (as defined above) for no more than 120 work days initially with an extension of an additional 120 work days.
- B. An individual employee of a temporary help service firm may work at a major organizational element (i.e., Office, Division or other officially established organizational entity within the Office of the Director) for up to 120 work days in a 24-month period beginning with the first day of the assignment.
- C. Management may make an exception for an individual to work up to a maximum of 240 work days in a 24-month period only when the manager has determined that using the services of the same individual for the same

situation will prevent significant delay in carrying out critical work.

NOTE: Work days are the actual days worked and do not include weekends, holidays, illness or personal time off. Work for part of a day is counted as having worked the full day. Time worked under any subsequent contracts on the same work activities is also counted toward the 240 work day limit.

Designation of Approving Officials Within Program Offices

Each Program Office should develop an internal approval process for certification of initial temporary services requests and for approval of temporary services extensions. Program Offices may wish to designate their Administrative Officer as the approving official. The approving official has the authority to approve initial requests for up to 120 work days and extensions for up to an additional 120 work days in accordance with OPM regulations and these procedures.

Procedures for Certification of Initial Requests

A. The Program Manager or Administrative Officer should prepare:

1. Certification for Use of Private Sector Temporaries form (Attachment A);
2. Purchase Request which includes a complete Statement of Work (SOW). The SOW should address the following:
 - a. What types and levels of skills are required;
 - b. What the description of work, starting date, work hours, length of assignment, location of work assignment and individual to whom the temporary employee will report are; and,
 - c. When receiving information is required (i.e., weekly, biweekly, monthly); this can be obtained from vendors and will avoid the potential for payment problems.

B. The approving official (e.g., Administrative Officer) should clear the agency's temporary employment register and Reemployment Priority List (RPL) by following the Register Clearance Procedures (Attachment B).

C. If the register/RPL cannot be cleared, a list of temporary applicants will be forwarded by the Division of Career Resources, Office of Human Resources Management to the Administrative Officer if requested. Should a temporary appointment occur as a result of reviewing the list of temporary applicants (versus use of a temporary services contract), an FTE and an SF-52, Request for Personnel Action will be required for the appointment.

D. Upon completion of the required documentation, the approving official (e.g., Administrative Officer) should forward the procurement request and Certification Form to DELPRO for processing.

Procedures for Extensions

A. The Program Manager or Administrative Officer should prepare an extension request containing the following documentation:

- o name of the temporary help service firm

- o original start date of the employee (employee's first day of work)
- o present ending date of the contract
- o requisition number/purchase order number/record of call number
- o name of temporary help service employee
- o description of temporary work activities
- o rationale for extending the contract (e.g., work not completed, disruptive to
train another temporary service employee)
- o extension date or number of additional work days requested

B. The approving official (e.g., the Administrative Officer) should review the extension request to confirm the accuracy of the first work day for the temporary service employee and, thus, the accuracy of the 240th work day. The approving official should also confirm that all of the above information is included in the extension request and that the work continues to meet the definition for critical need. A copy of the extension request signed by the approving official should be forwarded to DELPRO together with the procurement extension paperwork.

NOTE: Although the temporary services may not be needed for a maximum extension period, it is recommended that the maximum period of 240 work days be documented to eliminate the need for additional requests for extension. The subsequent purchase order extension which is sent to DELPRO need not be for the entire 240 work day time frame. Requestors have the option of forwarding several shorter purchase orders to DELPRO as long as the total does not exceed the maximum allowable time frame.

Internal Controls/Tracking System

Administrative Officers are required to maintain complete documentation of all temporary service requests and extensions. Agencies are required by regulation to maintain records and provide oversight to establish that their use of temporary help service firms is consistent with these regulations. As needed, the Office of Personnel Management may require agencies to provide information on their use of temporary help service firms. It is recommended that a log of the status of initial and extension requests be maintained by the Administrative Officer. The Office of the Director Personnel Office is available to provide assistance and advisory services on the appropriate use and flexibilities of the temporary service mechanism and on documentation requirements.