

Reclamation Manual

Directives and Standards

Subject:	Obtaining Private Sector Temporary Help Services
Purpose:	The purpose of this Directives and Standards (D&S) is to implement and provide a consistent Bureau of Reclamation-wide approach to the acquisition of non-permanent, private sector support to address temporary and critical staffing needs. It is essential that Reclamation have standard procedures in place for the proper management and tracking of temporary help services. This D&S supplements the Department of the Interior guidance. The benefits of this D&S are to facilitate understanding of the appropriateness of when and how to utilize temporary services and to define roles and responsibilities.
Authority:	Title 5 CFR 300.501, Subpart E, Use of Private Sector Temporaries; Title 5 CFR 330.601, subpart F, Agency Career Transition Assistance Plan (CTAP) for Local Surplus and Displaced Employees; Title 5 CFR 330.701, subpart G, Interagency Career Transition Assistance Plan (ICTAP) for Displaced Employees; Title 48 CFR, The Federal Acquisition Regulation (FAR);
Approving Official:	Deputy Commissioner, Policy, Administration, and Budget
Contact:	Human Resources Policy Office (84-12100), Acquisition and Assistance Management Division (84-27800)

- 1. Introduction.** Reclamation may find it necessary to utilize non-permanent service contractors to address temporary and critical staffing needs. When the need arises, Reclamation has various options for obtaining temporary help services, after consultation with the servicing Human Resources Office (HRO), to enter into contracts or other arrangements for private sector help to fulfill temporary work requirements. The use of micro-purchase authority to procure temporary services is prohibited as are personal services contracts as set forth by the FAR 37.104.
- 2. Applicability.** This D&S applies to all Human Resources (HR) personnel and contracting officials seeking to employ private sector temporary help services to meet critical staffing needs.
- 3. Requirements and Responsibilities.**
 - A. Managers/Supervisors.** Managers/Supervisors are responsible for:
 - (1) Defining workload requirements;
 - (2) Evaluating whether other current government staff resources are available;
 - (3) Redistributing workload, as appropriate;

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- (4) Consulting with their servicing HRO, when the requirements cannot be met through existing resources as addressed above;
- (5) Ensuring that temporary help services are obtained by authorized employees in accordance with this D&S. Managers will use the Determination of Work Requirements for Temporary Services (Appendix A) for new requests and extensions of private sector temporary help services;
- (6) Provide oversight of the use of temporary services, to include, a minimum of the following:
 - (a) Proper monitoring of the 120/240-workday limitation.
 - (b) Accurate contractor invoicing, including overtime and travel.
 - (c) Compliance with Homeland Security Presidential Directive 12 (HSPD-12), if applicable; and
- (7) Ensuring private sector employees contracted through temporary sources will not be considered or treated as Federal employees and cannot be compensated for any time when work is not being performed.

B. Contracting Officer's Representative (COR).

- (1) Completing and certifying new requests for private sector temporary help services; submitting the request for private sector temporary help services at least 30 working days before expiration of the initial 120 workdays to the servicing HRO personnel for certification, if the requesting office desires to retain the services in a single situation beyond 120 workdays, but not to exceed 240 workdays;
- (2) Monitoring and ensuring the contractor's work performance is as specified in the contract. Should the contractor fail to fulfill the contractual requirements, the COR must notify the Contracting Officer (CO) and the servicing HRO;
- (3) Ensuring that temporary help services are limited to 120 workdays in a 24-month period or a maximum of 240 workdays if extended in a 24-month period;
- (4) Serving as a sponsor, in accordance with HSPD-12 requirements. The COR will determine the physical and information technology access requirements and whether a Personal Identity Verification (PIV) card or temporary identification card is required; and
- (5) Verifying that invoices are matched against actual hours (including authorized overtime hours and travel) and workdays, and that the contracted rate per hour is correct. Overtime and travel expenses will only be paid if authorized in the

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contract or task order. Any discrepancies that are identified will be reported to the CO.

C. **Servicing Human Resources Office.**

- (1) Consulting with the requester and/or COR to ensure the request meets the requirements for use of private sector temporaries;
- (2) Certifying the appropriate section of the new requests and extensions;
- (3) Referring selectees, under the provisions as a former Reclamation employee, to the deputy/assistant Ethics Counselor to provide counseling concerning post-employment restrictions as stated in the Federal ethics laws; and
- (4) Clearing the Career Transition Assistance Plan (CTAP) and Interagency career Transition Assistance Plan (ICTAP) register for displaced employees.

D. **Contracting Officer (CO).** CO is responsible for:

- (1) Verifying the request is certified by the servicing HRO before contracting for temporary services;
- (2) Complying with all federal, departmental, and bureau acquisition regulations and policies.

4. **Definitions.**

- A. **Contracting Officer (CO).** The CO is a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings.
- B. **Critical Need.** A critical need is a sudden or unexpected occurrence, an emergency, a pressing necessity, or an exigency. Such occasions are characterized by additional work or deadlines required by statute, executive order, court order, regulation, or formal directive from the Commissioner or designee. A recurring, cyclical peak workload, by itself, is not a critical need.
- C. **Homeland Security Presidential Directive 12 (HSPD-12).** HSPD-12 directs the creation of a new Federal standard to enhance security, increase government efficiency, reduce identity fraud, and protect personal privacy and facilities by establishing a mandatory, government-wide standard for secure and reliable forms of identification issued by the Federal government to its employees and contractors (including contract employees).
- D. **Parental and family responsibilities.** Include situations such as absence for pregnancy, childbirth, childcare, and care for elderly or infirm parents or other dependents.

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- E. **Private sector temporaries.** Are employees of a temporary help service firm who are supervised and paid by that firm and whom that firm assigns to perform the contracted work.
 - F. **Contracting Officer's Representative (COR).** Federal employee appointed by the Contracting Officer for the temporary help service contract. Coordinates requirements with requester.
 - G. **Temporary help service firm.** A contractor which provides services that are performed by its pool of employees that possess the appropriate work skills for brief or intermittent periods. Maintains employer/employee relationship for the duration of the assigned contract. The firm is the legally responsible employer and maintains that relationship during the time its employees are assigned to the contract.
 - H. **Workday.** Any portion of a day worked (whether weekday, weekend, or holiday), for which work is performed, is considered a workday and by definition counts towards the 120/240-workday limitation.
5. **Provisions.**
- A. **Determination of Work Requirements.** In order to utilize a temporary services contract, one of the following short-term situations must exist:
 - (1) An employee is absent for a temporary period because of a personal need including emergency, accident, illness, parental or family responsibilities, or mandatory jury service, but not including vacations or other circumstances which are not shown to be compelling in the judgment of Reclamation.
 - (2) Due to a critical need, Reclamation has determined that the work must be carried out. The need cannot be met with current employees or through the direct appointment of temporary employees within the time available by the date, and for the duration of time, help is needed. At minimum, the servicing HRO must determine that there are no qualified candidates on the re-employment priority list (which must provide preference for veterans), and no qualified disabled veterans with a compensable service-connected disability of 30 percent or more, who are immediately available for temporary appointment of the duration required, and that employees cannot be reassigned or detailed without causing undue delay in their regular work. In instances where a need is foreseeable, as when approval of employee absence is requested well in advance, Reclamation may have sufficient time to follow the temporary appointment recruiting requirements, including veterans' preference found in 5 CFR part 316 to determine whether qualified candidates are available by the date needed and for the length of service required.
 - B. **Services Not Used.** These services shall not be used:

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- (1) In lieu of the regular recruitment and hiring procedures under the civil service laws for permanent appointment in the competitive civil service;
 - (2) To displace a Federal employee;
 - (3) To circumvent control on employment levels; or
 - (4) in lieu of appointing a surplus or displaced Federal employee as required by 5 CFR part 330, subpart F (CTAP) and subpart G (ICTAP).
6. **Utilization of Temporary Help Services.** After consultation with the servicing HRO and the determination has been made that it is appropriate to utilize a temporary service contract, the following criteria applies:
- A. An individual employee of any temporary help service firm(s) shall not work for more than an aggregate of 120 workdays in a 24-month period for any Reclamation facility, except as outlined in Paragraph 4.B.(2).
 - B. Reclamation will use a temporary help service firm(s) in a single situation initially for no more than 120 workdays. Provided the situation continues to exist beyond the initial 120 workdays, Reclamation may extend the use of temporary help services firm(s) up to the maximum of 240 workdays. The extension is dependent on servicing HRO certification and are required to ensure no CTAP or ICTAP eligible employee(s) are available to meet the temporary need.
 - C. Only if it is determined by the manager/supervisor and the servicing HRO, that using the services of the same individual for the same situation will prevent significant delay in Reclamation's ability to perform its mission, these services may be extended to a maximum of 240 workdays in a 24-month period and shall not be extended beyond the 240 workdays. Service continuing longer than 240 workdays must be filled through appropriate competitive civil service hiring procedures or appropriate acquisition instruments.
 - D. The 24-month period begins on the first day of the assignment.
 - E. These services cannot be acquired through the use of the micro-purchase authority (credit card or convenience check).
 - F. If a private sector temporary employee will require access to a government-controlled facility or information system, the private sector temporary employee will need to be issued either a PIV card; temporary identification card; or visitor badge. This identify card/badge must be issued prior to the contractor employee gaining access to the facility or information system.
7. **Review Period.** The originating office will review this release every 4 years.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____