

Administrative Order



Administrative Order No.: 7-35

Title: Personnel Policy for Contractual Employment Services

Ordered: 7/13/1999

Effective: 7/23/1999

AUTHORITY:

Sections 2-8.1, 2-8.2, 4.02 and 4.03 of the Miami-Dade County Home Rule Amendment and Charter; Section 2-26 of the Code of Miami-Dade County; and Resolutions R-1672-81 and R-1075-83.

POLICY:

The policy of Miami-Dade County is to retain certain contractual services personnel through an authorized employment agency on an as needed basis, only when an operational need exists and it can be demonstrated that contractual employment is more advantageous to the County than to employ or reassign regular employment is more advantageous to the County than to employ or reassign regular County employees to perform the work. Contractual employment agency employees may be utilized to supplement a department's budgeted County personnel, but shall not be used in excess of budgeted allocations for personnel services or to avoid the establishment of budgeted, classified positions where these are appropriate. Contractual employment agency employees shall not be used to avoid compliance with the County's standard recruitment process and its requirements.

Contractual employment agency employees shall not be used to circumvent a hiring freeze imposed by the County Manager. All personnel hired by the County through an employment agency shall be subject to the County's legally mandated employment requirements to include fair employment, the County's pre-employment physical examination policy when applicable, as well as the residency requirements. Any employment agency appointment that exceeds six (6) months shall be subject to the County's residency requirements. The appointment of contractual agency employees which are expected to exceed six (6) months shall be approved by the Director of the Office of Management and Budget (OMB), and the Director of the Employee Relations Department (ERD).

Any positions that the hiring department deems necessary to continue under contract for a period greater than one year shall require a review by OMB and ERD to determine whether the establishment of regular County positions properly classified by the ERD is necessary and in the best interest of the County. Should both ERD and OMB determine

it appropriate, contractual positions shall be converted to County employee positions.

Individuals who were placed in the County, through an employment agency provided they have been continuously employed in a satisfactory manner for at least six (6) months in the same position, shall have the right to apply for regular County positions in accordance with the County's standard recruitment procedures as if they were County employees. Furthermore, concerned County departments are encouraged to transition temporary employees who have developed a unique familiarity with County operations and performed in a satisfactory manner to regular County employment imposed by the County Manager. All personnel hired by the County through an employment agency shall be subject to the County's legally mandated employment requirements to include fair employment, the County's pre-employment physical examination policy when applicable, as well as the residency requirements. Any employment agency appointment that exceeds six (6) months shall be subject to the County's residency requirements. The appointment of contractual agency employees which are expected to exceed six (6) months shall be approved by the Director of the Office of Management and Budget (OMB), and the Director of the Employee Relations Department (ERD).

Any positions that the hiring department deems necessary to continue under contract for a period greater than one year shall require a review by OMB and ERD to determine whether the establishment of regular County positions properly classified by the ERD is necessary and in the best interest of the County. Should both ERD and OMB determine it appropriate, contractual positions shall be converted to County employee positions.

Individuals who were placed in the County, through an employment agency provided they have been continuously employed in a satisfactory manner for at least six (6) months in the same position, shall have the right to apply for regular County positions in accordance with the County's standard recruitment procedures as if they were County employees. Furthermore, concerned County departments are encouraged to transition temporary employees who have developed a unique familiarity with County operations and performed in a satisfactory manner to regular County employment. Departments that utilize the services of employment agencies must ensure that adequate funding is included in the departmental operating budget and that annual expenditures for this purpose are managed in a fiscally responsible manner.

APPLICABILITY:

All employment agency hiring for all County departments will be included in this Administrative Order.

RESPONSIBILITY:

The Procurement Management Division of the General Services Administration Department shall have primary responsibility to secure contracts for employment agency services. The requesting department director shall be responsible for ensuring compliance with this Administrative Order with regard to the appropriate placement and

utilization of employment agency personnel. The director of the department wishing to utilize personnel from a contractual employment agency will ensure that those employees are properly screened with regard to education, experience, training, and other credentials which may be relevant to the work to be performed, and are otherwise suitable for employment.

The ERD shall be available to assist in ensuring that operating departments obtain the suitable skill levels appropriate to job requirements and review the applicability of contractual wage rates.

M. R. Stierheim
County Manager