

Temporary Employment Policy

Temporary Employment

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Policy

It is the policy of the Office of State Human Resources (OSHR) to establish and utilize temporary employees 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. OSHR has the responsibility to monitor and ensure compliance with policy. Therefore, under no circumstances shall an individual be utilized as a temporary employee outside of all applicable rules, statutes, laws, and guidelines, such as Chapter 126 of the NC General Statutes, 25 NCAC 01C .0405, the mandatory separation requirement, and the Affordable Care Act. This applies to all temporary employees, including those hired through Temporary Solutions, directly through a State agency, and through an approved third-party vendor.

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

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Temporary Employment Policy (cont.)

Technology job classifications and therefore agencies requiring temporary employees for IT job classifications should contact DIT directly to initiate this request.

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 is 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.

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/

Temporary employees 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

Per N.C.G.S. 126-6.3(a), all Cabinet agencies shall utilize Temporary Solutions to provide temporary employees unless the temporary employee is performing Information Technology related work. Any other agency or institution of the State may use Temporary Solutions for its supplemental staffing needs.

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Temporary Employment Policy (cont.)

Any exception to this policy must be requested in advance and in writing to the Director of the Office of State Human Resources.

Responsibilities Regarding Temporary Employment

All state government temporary positions, including those obtained through a third-party staffing service, are subject to this policy and all other laws, rules, policies, and guidelines applying to temporary employment.

Temporary Solutions

As part of the administrative charge applied by Temporary Solutions to the requesting Agency, Temporary Solutions:

- recruits job candidates;
- advertises vacant temporary positions;
- screens applicants;
- provides recommended candidate(s) for temporary positions;
- onboards temporary employees for payroll;
- maintains OSHR-issued NCID accounts;
- administers pay;
- withholds payroll taxes;
- tracks hours worked by workers employed through Temporary Solutions to identify who qualifies for the High Deductible Health Plan and notify those employees of said qualification; and
- monitors Agency compliance with applicable laws, rules, policies and guidelines, such as the mandatory break-in-service requirement.

OSHR

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

- Maintains a list of approved third-party vendors for each State agency;
- Reports biannually to the Joint Legislative Oversight Committee and Fiscal Research Division on Agency compliance with applicable laws, rules, policies, and guidelines;
- Reviews and makes decisions on exception requests from State agencies.

Temporary Employee

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Temporary Employment Policy (cont.)

Agency

Each State agency is the employer of record for any temporary worker hired and paid through Temporary Solutions, directly by the Agency, or through a third-party staffing service. It is responsible for ensuring Agency compliance with all laws, rules, policies, and guidelines related to employing temporary workers. As the employer, the Agency is also responsible for making employment decisions such as who and when to hire and separate a temporary, the hourly rate of pay, work schedule, length of assignment, workplace rules, required equipment, and required or recommended training. The employing agency may conduct reference checks and/or background checks as required by agency policy.

Agencies using Temporary Solutions shall provide current contact information for each temporary employee's supervisor as well as the agency HR contact and billing contact.

For agencies using Temporary Solutions, the temporary is not authorized to begin work until notified to do so by Temporary Solutions to help ensure timely payroll processing.

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 and, where applicable, Temporary Solutions. The Agency must review and approve any changes in the status or pay rate in advance of its effective date.

Timesheets

Temporary employees are paid bi-weekly through the Integrated HR-Payroll System. Workers paid through Temporary Solutions and employed by an agency that uses the Integrated HR-Payroll System must have an NCID account so that they may enter their time directly via ESS where possible.

Health Insurance

Temporaries may be eligible for health care insurance coverage through the Affordable Care Act (ACA) at the temporary worker's option if the employee is

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Temporary Employment Policy (cont.)

projected to work an average of 30 or more hours per week or if the employee's Initial Measurement Period (IMP) or Standard Measurement Period (SMP) results indicate that the employee has worked an average of 30 or more hours per week over the one-year lookback period. Agencies shall conduct an IMP lookback for each temporary it directly employs one year after the employee's new hire start date. Agencies shall also conduct a SMP lookback for each temporary it directly employs for the period November 1 of the preceding year through October 31 of the current year. Temporary Solutions shall conduct the IMP and SMP lookback for all temporaries employed through it.

Requirements Regarding Temporary Employees

Mandatory Separation Requirement

The duration of a temporary assignment shall be no more than eleven (11) consecutive months. When a temporary assignment reaches eleven (11) consecutive months, the employee is required to be separated from temporary employment. The separation may occur anytime during the eleven (11) months to accommodate the needs of the agency. Agencies using Temporary Solutions must submit a new job order request to begin the process of re-employing a separated temporary employee and to extend the assignment of a temporary who is exempt from the mandatory separation requirement. An individual subject to the mandatory separation requirement must be separated for a minimum of 31 days to be eligible for re-employment as a temporary.

Exemptions from Mandatory Separation Requirement and Accompanying Guidelines

State of North Carolina Retirees

Retirees from the State of North Carolina drawing retirement compensation from the Teachers' and State Employees' Retirement System are not eligible for reemployment 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.

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Temporary Employment Policy (cont.)

State retirees are exempt from the mandatory separation requirement. All state agencies must use Temporary Solutions to employ rehired State retirees.

State retirees in a temporary assignment are eligible to maintain State Health Plan (SHP) coverage through the Retirement System. However, if the retiree is expected to or does work thirty (30) hours or more per week, the employing agency shall be responsible for the employer cost of the retiree as an active employee with the State Health Plan.

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 mandatory separation requirement.

Students

Undergraduate students taking at least twelve (12) credit hours or graduate students taking at least nine (9) credit hours are considered full-time students and are therefore exempt from the mandatory separation requirement.

Interns

Interns, which are students or recent graduates who, regardless of the number of credit hours enrolled, work to gain occupational experience for a short period of time, not to exceed three months, are exempt from the mandatory separation requirement.

Externs

Externs, which are students who, regardless of the number of credit hours enrolled, are employed as part of a written agreement between the state and an academic institution by which the student is paid and earns course credit, are exempt from the mandatory separation requirement.

Inmates

Inmates that are on work release programs are exempt from the mandatory separation.

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Temporary Employment Policy (cont.)

When the State Human Resources Director grants an exception for Cabinet agencies to use a third-party staffing service, the following requirements are the responsibility of the employing agency:

Work with its purchasing section (or designee) to ensure

- they abide by established procurement rules and protocols prior to hiring any temporaries.
- Ensure adherence with all laws, rules, policies, and guidelines related to temporary employment, including but not limited to this policy, 25 NCAC 01C .0405, the mandatory separation requirement, and the Affordable Care Act.
- Maintain a list of all temporaries hired through third-party staffing agencies, including the employee's name, job title, classification, hourly rate of pay, hours worked per week, and assignment start and end dates.
- Timekeeping and all payroll actions.
- All other HR actions necessary to process the temporary employee.