

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive, P.O. Box 36800

Billings, Montana 59107-6800

<http://www.mt.blm.gov/>

In Reply To:
1400-300 (933.TT) P

April 11, 2003

EMAIL TRANSMISSION: 04/16/03
Instruction Memorandum No. MT-2003-034
Expires: 09/30/04

To: State Management Team

From: State Director

Subject: Procuring Private Sector Help for Temporary Work Situations

This Instruction Memorandum provides specific information and procedures to supervisors and managers on when it is appropriate to procure private sector temporary help for short-term work situations versus hiring a temporary BLM employee. Temporary help service firms may be used when the initial need is for no more than 120 workdays. PMC approval is required.

Supervisors and managers may decide to use a temporary help service firm for short-term work situations, such as:

- 1) An employee is absent for a temporary period due to an emergency, accident, illness, family responsibilities, or mandatory jury duty. This does not include vacations or other circumstances, which are not shown to be compelling in the judgment of the agency.
- 2) Another situation would be that the Bureau must carry out work for a temporary period, which is critical and cannot be delayed in the judgment of the agency.

Temporary help service firms may be used when one of the situations listed above cannot be met with current Bureau of Land Management employees, or through the direct appointment of temporary employees within the time available by the date and for the duration of time that help is needed.

A temporary help service firm is a private sector entity, which quickly provides organizations with specific services performed by its pool of employees possessing the appropriate work skills for brief or intermittent periods. The firm is the legal employer and recruits, tests, hires, trains, assigns, pays, provides benefits and leave to, and as necessary, addresses performance problems, disciplines, and terminates its employees.

Managers cannot use temporary help service firms to:

- 1) Circumvent hiring procedures under the civil service laws for permanent employees in the competitive civil service,
- 2) Displace an employee on a permanent appointment,
- 3) Circumvent controls on employment levels or in lieu of appointing a surplus or displaced Federal employee,

- 4) Fill Senior Executive Service positions or the work of managerial or supervisory positions.

In instances where a temporary work situation is known well in advance, the manager may have sufficient time to follow the temporary appointment recruiting requirements, which includes veteran's preference to determine whether qualified candidates are available by the date needed and for the length of service required.

Hiring temporary BLM employees to fill temporary work situations can take between 1 to 4 weeks depending on the availability of classified position descriptions and the designated area of recruitment.

Managers should also look at other options for accomplishing the temporary work situation such as redistributing the work among their staff, authorizing overtime, making details and/or time limited promotions, etc., of current BLM employees.

Procuring the services of a temporary help service firm, if there is already an established federal contract such as GSA, takes approximately 2 weeks. If there is not an already established federal contract, the contract will have to be processed on the open market. If contracting costs are under \$25,000, the solicitation process takes approximately 3 to 4 weeks. If the contracting costs are over \$25,000, the solicitation process takes approximately 4 to 6 weeks. A certified Contracting Officer's Representative (COR) will be appointed to be the project manager for these service contracts. Designated CORs must have 24 hours of Contracting Officer's Representative training and 8 hours refresher training every 3 years.

Process for requesting the use of temporary help service firms:

To avoid creating an appearance of an employer-employee relationship, the following criteria must be met:

- 1) Request PMC approval to meet a temporary need, and identify available funding source.
- 2) Temporary help service firms may be used initially for no more than 120 workdays in a single work situation. (NOTE: If it is known initially that the temporary work situation is for more than 240 workdays, the use of temporary help service firms is not appropriate).
- 3) If the temporary work situation still exists beyond the initial 120 workdays, the services may be extended up to a maximum of 240 workdays.
- 4) When using one individual for the requirement, the individual cannot work longer than a consecutive 24-month period, beginning with the first day the employee started work.
- 5) Submit a written request to the Human Resources Officer (MT-933). (Example in Attachment 1).
- 6) The Human Resources Officer will make a written determination to accept or deny the request back to the requesting office. (Example of Acceptance in Attachment 2).

- 7) If accepted, requesting offices will submit a requisition through the Interior Department Electronic Acquisition System (IDEAS), a Statement of Work, and the acceptance determination from the Human Resources Officer to their procurement official. (Sample Attached).
- 8) The procurement official will process the requisition following Federal Acquisition Regulations.

Managers must train their employees/supervisors in appropriate procedures for interaction with private sector temporaries to assure that the supervisory responsibilities are carried out by the temporary help service firm. The supervisors/CORs will be required to give technical, task related instructions to contract personnel which includes orientation, task assignment, and review of work products in order for the contract requirements to be properly met. Contract workers may only be requested to complete work products as outlined in the statement of work.

Questions pertaining to the information contained in this memorandum may be directed to Tracy Thoricht, Human Resources Specialist, the Branch of Human Resources Management at (406) 896-5002, or to Mary Clark, State Procurement Analyst at (406) 896-5205.

Signed by: Thomas P. Lonnie, Acting

Authenticated by: Donna K. Zentz, MT-933

2 Attachments

- 1-Request for Use of Temporary Help Service Firm (1 p)
- 2-Approval of Request for Use of Temporary Help Service Firm (1 p)

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In Reply To:

(933.TT)

Memorandum

To: Human Resources Officer

From: Requesting Office Official

Subject: Request for Use of Temporary Help Service Firm

The (requesting office) has a temporary, emergency work requirement and is requesting approval to Use a Temporary Help Service Firm in accordance with 5 CFR Part 300, Subpart E. All management options have been considered and there are no other resources available to complete the work.

1. Please give specifics for the temporary, emergency work situation.
2. Please indicate the type of work needed (secretary, office automation clerk, etc.). Indicate any special skills or qualifications required to do the work.
3. Dates services are required.
4. Daily reporting and ending hours.
5. Office location and person contractor is to report to.

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In Reply To:

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Memorandum

To: Requesting Office Official

From: Human Resources Officer

Subject: Approval of Request for Use of Temporary Help Service Firm

This office has reviewed your request for the Use of a Temporary Help Service Firm for (type of work and location).

1. There are no well-qualified candidates on the special selection priority (SSP) list or the reemployment priority list (RPL).
2. There are no qualified disabled veterans with a compensable service connected disability of 30 percent or more, under 5 U.S.C. 3112, who are immediately available for temporary appointment for the required duration of the temporary work need.
3. There are no available employees that can be reassigned or detailed without causing undue delay in their regular work.
4. Submit a requisition through the Interior Department Electronic Acquisition System (IDEAS), a Statement of Work, and this memorandum to your procurement official.

Questions pertaining to this memorandum may be directed to the Branch of Human Resources Management at (406) 896-5002.

Attachment 2