

**Department of Employee Trust Funds**  
**CONTRACTOR/CONSULTANT POLICY**

**Approved August 3, 2018**

**Scope**

This policy applies to those people who provide services for ETF through a vendor. Such people are employees of the vendor, temporary staffing agency, or staffing service and are referred to as “contractors” by ETF.

**Definitions**

Consultant: A worker hired and employed by a vendor. A vendor enters into a contract under which the client specifies the services to be provided and the vendor indicates which of its employees it will commit to performing those services. A fee is paid by the client to the vendor for *those services*. The vendor hires the workers, controls the payment of wages and benefits and the payment of employment taxes. If there is any conflict with the terms of this policy and the terms of the contract, the contract would control. A consultant will be referred to as “contractor” throughout this policy.

Contractor: A worker hired and employed by a vendor. A staffing service or temporary employment service enters into a contract with a client under which the client specifies the services to be provided. A fee is paid by the client to the staffing service for *each individual* provided to the client. The staffing service maintains the right to control and direct the worker’s services for the client, including the right to discharge or reassign the worker. The staffing service hires the workers, controls the payment of wages and benefits and is the employer for employment tax purposes.

Employee: Any person who receives remuneration for services rendered to the state under an employer-employee relationship. See *Wis. Stat. §§ 111.81(7) and 230.08(3); Wis. Adm. Code §§ ER-MRS 1.02(6) and ER 1.02(10); Comp. Pan, Sec. A 1.00(a)*.

Staffing Service, Temporary Staffing Agency, or Vendor: An entity that has employees that can be hired out for temporary or long term work. Staffing service, temporary staffing agency, and vendor will all be referred to as “vendor” throughout this policy.

Supervisor: “Any individual whose principal work is different from that of the individual’s subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline employees, or

to adjust their grievances, or to authoritatively recommend such action, if the individual's exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment." *Wis. Stat. § 111.81(19)*. See also *WHRH Chs. 324 and 370*; similar to "nonrepresented" and "unit supervisor."

## **General Matters/Contractor Onboarding**

See the *Supervisor Checklist for New Contractor Preparation and Orientation* ([ET-8623](#)) for more information about contractor onboarding.

### **Setting up Workspace, Phone, and IT Account**

The supervisor must send an email to ETF DL Staff Setup-Disconnect prior to the contractor's anticipated start date.

### **Background Check Required Prior to Contractor Arrival**

No contractor is allowed to work onsite until ETF Human Resources has notified the hiring supervisor that the contractor has cleared a background check.

### **Contractor Access to Personally Identifiable Information**

No contractor is allowed to access any personally identifiable information (PII)<sup>1</sup> in ETF's records, unless the contractor has first executed a Confidentiality Agreement (ET-8932), or other contractual instrument that has been reviewed and approved by the Office of Policy, Privacy and Compliance and by the Office of Legal Services.

### **Orientation for New Contractors Required**

Any new contractor must complete the online ETF New Workforce Orientation in LaDR (Learning and Development Resource) within the first 90 days of work. Also within the first month of work, the supervisor must conduct an onboarding process for the new contractor and have the contractor sign the *Supervisor Checklist for New Contractor Preparation and Orientation* ([ET-8623](#)) when all items have been completed.

### **Contractors and WRS Eligibility**

Contractors are not ETF employees and are not eligible for WRS benefits. The supervisor and the contractor must review [Section 314 of the WRS Administration Manual](#), which describes basic differences between employees and contractors relating to employee benefits and taxation.

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<sup>1</sup> Personally-Identifiable information (PII) as used in this policy includes Individual Personal Information (§ ETF 10.70) and Medical Records (§ ETF 10.01 (3m)) under Wis. Stat. § 40.07, and Protected Health Information under HIPAA's Privacy Rule, 45 CFR 160.103.

## **Communication of Contractor Policy**

Supervisors must review this policy with contractors and employees in their areas. ETF will post the policy on FRED and other locations as appropriate.

## **ETF Supervisors/Contractors Topics**

### **Duties and Responsibilities**

Changes to a contractor's original duties and responsibilities should be made only pursuant to discussions with the vendor.

### **Evaluations**

The vendor is responsible for conducting and signing contractor evaluations, not ETF supervisors or managers. ETF can provide comments to vendors.

### **Pay and Pay Increases**

The vendor is responsible for handling pay and pay increases, not ETF supervisors or managers. The contractor should discuss any pay increases directly with their vendor.

### **Benefits**

The vendor is responsible for determining any benefits and ETF is not involved.

### **Performance Issues**

ETF supervisors will discuss any routine questions about performance directly with the contractor.

Regarding significant performance issue(s), ETF supervisors must contact the ETF Contractor Coordinator (ETF SMB Contractor Staffing) who will contact the vendor to communicate the issue(s).

### **Termination of Contractor's Work at ETF**

ETF Supervisors must work with the ETF Contractor Coordinator (ETF SMB Contractor Staffing) and, as applicable, the vendor on termination. The ETF Contractor Coordinator will, as applicable, work with the vendor to be onsite to perform the termination and related tasks. At the time of the termination, the ETF Supervisor will promptly send an email to ETF DL Staff Setup-Disconnect to alert all necessary areas to terminate access for the contractor.

### **Learning and Development**

ETF supervisors must carefully evaluate any training requests from contractors. ETF supervisors should talk with contractors and employees about the training requirements specified in this section. Contractors must have their ETF supervisors' approval for any training.

HR and the Learning and Development Director will provide additional guidance as needed for ETF supervisors, and highlight the reference to training that exists on the Supervisor Contractor Checklist.

Contractors are allowed to attend training that directly pertains to their job and skills they need to perform their job.

If training involves skills contractors should have already, or a program that is the responsibility of the vendor, then the vendor must pay for the training.

Contractors are allowed to attend internal training held during lunch time, the section meetings and similar sessions.

### **Learning Management System (LaDR)**

Contractors will have access to the online courses through ETF's learning management system, Learning and Development Resource "LaDR". All training will be tracked through LaDR. Contractors must have their ETF supervisors' approval and complete an External Training Request in LaDR for any external training. Lynda.com personal development training cannot be taken during work hours. All contractors are required to complete mandatory training; such as, security training, Health Insurance Portability and Accountability Act (HIPAA), Wisconsin Public Records training, etc.

### **Fleet Vehicles**

In accordance with Department of Administration rules, contractors are not allowed to drive a state vehicle. Contractors may ride in a state vehicle if on official state business and authorized by their agency risk manager, or they can drive their own vehicle to outside appointments.

## **HR and Facilities Matters**

### **Work Rules**

Contractors must abide by all ETF workplace safety and security rules. This is also referenced on the Supervisor Contractor Checklist.

### **Committees and Workgroups**

Contractors can be members of ETF committees and workgroups but they cannot be responsible for ETF bank accounts (e.g., as treasurer of such a group).

### **Social Events at ETF**

Contractors are allowed to attend ETF picnics and other social events.

### **Purchasing Cards (P-cards)**

In accordance with State procurement guidelines, contractors cannot be issued state purchasing cards.

### **Non-Business Hours and Holidays**

Contractors will work regularly-scheduled hours between 6:00 a.m. and 6:00 p.m., Monday through Friday. Contractors shall not be in ETF buildings on state holidays, outside of regular business hours or on weekends without obtaining prior approval from their ETF supervisor and by sending notification to ETF DL Weekend Notice Team.

### **Badges**

Contractors must wear a state-issued identification badge in a visible location while working at ETF, and turn in the badge to their ETF supervisor or facilities staff at the termination of the business relationship with ETF. A contractor's badge will have the label "contractor" and, where applicable it will indicate the name of the vendor.

### **Workspace Name Plates**

A contractor's name plate will include the name of the vendor, or in some other way differentiate between employee name plates.

### **Email Signature Blocks**

A contractor's signature block on emails and letters must indicate that person's position and the name of vendor, in addition to having a reference to ETF.

### **Photos on ETF Intranet Website (FRED)**

Following the contractor's name, the label "contractor" and the name of the vendor will appear on FRED.

### **Parking**

Contractors and their vendor, where applicable, are notified by the Contract Coordinator before the contractor begins work at ETF about parking ramp availability. ETF does not pay parking costs for contractors. The contractor should consult with their vendor. If parking in the ramp is not available, the contractor will be asked by Facilities if s/he would like to be put on a waiting list when an opening becomes available.