



Contractor & Consultant Policy

Approved: April 12, 2024
Policy Owner: Sheila Gubin, OBM

Purpose

This policy outlines how contractors and consultants who work for vendors or staffing services will be onboarded and generally supervised while providing services for ETF.

Scope

This policy applies to those people who provide services for ETF through a vendor or staffing service. Such people are not State Employees, but are employees of the vendor, temporary staffing agency, or staffing service, and are referred to as “contractors” by ETF.

Definitions

Consultant: A worker hired by, and who works for, 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 by, and who works for, 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.

State 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)*.



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Staffing Service, Temporary Staffing Agency, or Vendor: An entity that sources individuals 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.”

United States: Means the United States of America and its territories, except when preceded by the word “contiguous.”

Statement of Policy – General Policy & Contractor Onboarding

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

Background Check Required Prior to Contractor Arrival

No contractor is allowed to perform work until ETF Human Resources (HR) has notified the hiring supervisor that the contractor has cleared at least one supervisor reference check and a criminal background check.

Setting up Workspace, Phone, and IT Account

Contractor Coordinators will notify HR Specialists of the intent to procure a contractor. After the start date of the contractor is confirmed, HR will initiate an electronic onboarding ticket to begin the process to obtain workspace, phone number and IT access. The assignment and delivery of IT equipment will be coordinated by BITS Help Desk.



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Contractor Access to Personally Identifiable Information

No contractor is allowed to access any personally identifiable information (PII)¹ in ETF's records, unless the contractor has first executed a Confidentiality Agreement, 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. Any new contractor must, in addition to executing the Confidentiality Agreement, successfully complete orientation for new staff (see below), before being allowed access to PII.

Orientation for New Contractors Required

New contractors must attend the ETF New Staff Orientation Day. If the contractor is 100% remote, they may attend virtually. Contractors must also complete the online ETF New Workforce Orientation in LaDR (Learning and Development Resource) within the first 90 days of work. 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 Eligibility for ETF Benefits

Contractors are not ETF employees and are not eligible for ETF 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.

Communication of the Contractor & Consultant Policy

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

Statement of Policy – 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.

¹ 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.



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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, not ETF supervisors or managers, is responsible for handling pay and pay increases. 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 a Contractor's Work at ETF

ETF supervisors will notify the ETF Contractor Coordinator (ETF SMB Contractor Staffing) when a contract needs to end. The ETF Contractor Coordinator will work with the ETF supervisor and the contact on the contract to communicate the termination and tasks related to returning ETF equipment. Once the termination has been set, the ETF Contractor Coordinator will work with ETF Human Resources (ETF SMB Human Resources) to initiate the electronic offboarding process. All ETF equipment must be returned in satisfactory condition, as soon as possible, at the expense of the vendor. ETF reserves the right to charge the vendor for replacement of damaged or unreturned equipment.

Learning and Development

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

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



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Contractors may be allowed to attend training that directly pertains to their job or skills needed 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 trainings held during lunch time, the “section meetings” (quarterly meetings with the Executive Team) 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 supervisor’s approval and complete an External Training Request in LaDR for any external training. Courses designated as personal development training cannot be taken during work hours. All contractors are required to complete agency designated mandatory training, such as, security training, Health Insurance Portability and Accountability Act (HIPAA), Wisconsin Public Records training, Respectful Workplace 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.

Statement of Policy – Human Resources & Facilities

Work Rules

Contractors must abide by all ETF work rules. This is also referenced on the Supervisor Contractor Checklist.

Participation in ETF Internal Groups

With prior written approval from the contractor’s supervisor and the Human Resources Director, a contractor may participate in, or be a member of, an ETF committee, board, council, workgroup, work-related project team, or similar body. However, a contractor may not participate in, or be a member of, the agency’s affirmative action advisory committee, nor the agency health & safety committee. For any group, a contractor is prohibited from acting as treasurer or similar role with responsibility for ETF funds or bank accounts.



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Social Events Sponsored by ETF

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

Purchasing Cards (P-cards)

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

Work Schedule

Contractors and supervisors will jointly determine a regular daily work schedule between the hours of 6:00 a.m. and 6:00 p.m. CST, Monday through Friday. Contractors shall not be in ETF buildings outside of regular business hours, on state holidays, or on weekends, unless otherwise authorized by their supervisor. The ETF supervisor should monitor the contractor's hours to ensure that their contractor doesn't exceed the approved hours.

Remote Work:

Contractors may work remotely up to 100% of their schedule based on business need and with ETF Management approval. The contractor's work schedule may be changed at ETF's discretion. The contractor's services must be performed within the United States, consistent with Wis. Stat. § 16.705(1r). However, this limitation does not apply when the contractual services are not available to be performed within the United States. Note that services can be considered not available to be performed in the United States if the time and effort for ETF to bring someone else up-to-speed on the services would result in delay of a vital project. See Wis. Stat. § 16.705(1r)(a).

A contractor's primary residence must be in the United States at the time they are placed at ETF and remain in the United States for the duration of their placement with ETF.

All requests to work remotely from outside the contiguous United States must be pre-approved by the vendor, ETF hiring manager, HR Director, ETF's Chief Information Security Officer, and ETF's Chief Information Officer, with notice to ETF's Contractor Coordinator, using the appropriate BISM/BITS process. Contractors may not take laptops, or other ETF-issued computing devices, outside of the contiguous United States (unless prior approval is received as noted above).



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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

Following the contractor's name, the label "contractor" and the name of the vendor will appear. Suitable photos of the contractor must be provided to ETF by the vendor prior to the contractor's scheduled start date if the contractor will not be onsite and available for photos on the contractor's first day of work for ETF.

Parking

Contractors and their vendor, where applicable, are notified by the Contractor Coordinator before the contractor begins work at ETF about parking ramp monthly costs. If the contractor chooses to park in the parking ramp, the contractor is to work directly with the ETF Facility Manager regarding the parking assignment and payment. ETF does not pay parking costs for contractors. If the parking in the ramp is not available, the contractor will be asked by the ETF Facility Manager if they would like to be put on a waiting list when an opening becomes available.

Policy Ownership

Date Enacted	Date(s) Reviewed or Revised	Approving Body	Reviewing Body	Document Owner
7/3/2018	8/10/2021 2/21/2023 4/12/2024	AMC	AMC	Sheila Gubin