



Contract Workers Policy

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1. **Purpose**

The purpose of this policy is to establish the responsibilities and expectations for contract workers, not employed directly by Buncombe County (County), funded through the use of contracts. This policy does not apply to full-time or part-time regular, temporary or grant-funded County positions.

2. **Applicability**

This policy applies to all Buncombe County departments and employees unless there is a conflict with GS 153A-103 related to hiring, discharging, and supervising employees. Such exclusion is noted at the end of this policy. Otherwise, departments may adopt and enforce policies that are more restrictive than County Policy.

3. **Policy**

3.1. **Types of Contract Workers (Contingent Worker)**

Contract workers are not employees of the County and work for a third party. The County and the third party have a contract where the third party provides services to the County through the third party's employees performing services at the County.

3.1.1. Category 1 – Contract workers who are contracted through a staffing agency to work on behalf of the County during times of staffing shortages. This type of worker supplements County staffing.

3.1.2. Category 2 – Contract workers who work on behalf of another agency. This type of worker provides services such as janitorial, court services, support for emergency services, benefits, social work, etc.

3.1.3. Category 3 – Contract workers employed by a third party who are assigned to a short-term assignment such as poll workers.

See Contract Worker procedures for additional information.

3.2. **Roles and Responsibilities**

This is a controlled document for internal use only. Any documents appearing in paper form are not controlled and should be verified with the electronic file version prior to use. For support related to this policy and procedures, contact the Human Resources Department.

The Director of Human Resources has the responsibility for approval of the usage of Category 1 contract workers along with coordination and assurance that these workers are processed through the Human Resources Department. Incidences of performance issues may be directed to the contracted vendor or third-party contact.

The Director of Information Technology has the responsibility for coordination and assurance that Category 1 and 2 contract workers receive a Buncombe County Active Directory account and other technology resources, as needed.

The Contract Administrator, or designee, will coordinate the appointment of the contract worker when a contract is awarded. When notified of a contract end date or a contract worker's separation, the Contract Administrator or designee must complete the separation process in the HRIS.

3.3. Appointment of Contract Workers

Contract Workers are not eligible for covered status, vested rights or any employment benefits with Buncombe County. It must be determined that the individuals providing services are contractors not employees per IRS regulations. All Contract Worker appointments are contingent upon receipt of funding specifically for the purpose of the contract.

Buncombe County's procurement policy and procedure must be followed if using a contract worker through a contracted vendor/supplier and the contract must be completed and signed prior to the start date of the assignment. All contract workers are set to expire when the contract closes or earlier (with the ability to extend in cases when contracts are renewed).

Contract funds must be included in the adopted budget ordinance or approved through a budget amendment.

Contract workers will be held to the same conduct standards as County employees, and they must follow applicable County policies and participate in any required training. Upon appointment, Contract Workers may be required to attend county and departmental onboarding. Applicable County and departmental policies will be reviewed with each Contract Worker on or before the first day of assignment.

Contract Workers may only perform work that is allowable by the contract.

If the department wishes to convert a contract worker to a County employee, they must go through the County's normal recruitment process.

3.4. Access

Contract Workers may receive technology to complete essential work functions. If assigned County-owned technology, they are required to complete all Information

Technology training and comply with all relevant policies to ensure appropriate technology use. If facilities access is required for the position, Contract Workers will be assigned a badge with essential building access only. The Contract Worker is required to return their badge and all County-owned technology at the end of their assignment to their point of contact or designee. Contract Workers do not have spending authority and will not be assigned a procurement card.

4. **Policy Non-Compliance**

Employees who willfully violate the terms and conditions of this policy may be subject to appropriate action, up to and including dismissal. If a Contract Worker fails to meet the County's requirements for the services to be provided as described in the contract, the County shall notify the third party of its dissatisfaction to remedy the non-compliance.

5. **Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the [Internal Auditor's Statement](#).

6. **Definitions**

- 6.1. Contract: Any agreement involving the exchange of obligation(s) or promise(s), either promise(s) to perform or an exchange(s) of something of value.
- 6.2. Contract Administrator: the person assigned for day-to-day responsibility and representation of the County regarding the specific contract.
- 6.3. Covered Status: Please see the Personnel Ordinance for the definition.
- 6.4. Short-term Assignment: Less than 30 workdays in a calendar year.

7. **Approval and Revision History**

Policy Origination Date:	January 24, 2024
Requires Board Approval:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Board Approval Dates:	January 24, 2024
Policy Exclusions:	None
Revision History:	

8. **Background**

8.1. **References**

- 8.1.1. Contract Worker Procedures
- 8.1.2. Procurement Policy