

**Proposed Definition
Temporary Personnel-Office
with Requested Changes and Comments**

**List of Preferred Source Offerings Section D Approved Services
September 20, 2017**

Temporary Personnel-Office (“Office Temps”) are workers hired for a pre-determined period to provide program support and assistance ~~in a defined to an~~ office environment. Office Temps assist with a wide range of administrative, ~~and~~ clerical, and miscellaneous functions and may range in skill from entry level to highly experienced personnel.

Workgroup Comments:

NYSID staunchly opposes the 4th draft and what is now called the final draft. The purpose of the work group was to craft a definition for Temporary Personnel – Office that provides clarity for the services offered in the 21st century making it easier for purchasing agents to determine if the services they need are approved Preferred Source Offerings. The task of the work group, in our opinion, and for those that support and advocate for the program was to preserve employment, not to minimize opportunities. This draft does nothing to accomplish that objective.

NYSID Proposed Edits: Amend the heading to read: Temporary Personnel-Office (Office Temps) are workers hired for a pre-determined period to provide program support and assistance ~~in a defined to an office environment.~~ Office Temps assist with a wide range of administrative, clerical and miscellaneous functions and may range in skill from entry level to highly experienced personnel.

NYSID also firmly believes that the individuals currently serving on a Preferred Source contract in a Temporary Personnel – Office miscellaneous capacity such as test monitors/proctors, counters, surveyors, etc. who perform field work to support an office or departmental function should not be excluded either. These services should be considered as “Miscellaneous” in a similar vein as those provided for under the OGS Administrative Services contract as we have previously discussed. In the 21st century technology has changed the definition of an “office,” meaning that not all office workers must be domiciled in an actual office building. There are numerous office jobs that are performed offsite or outside of a traditional office setting. In the 21st century some office workers actually work from home. Why should individuals employed on Preferred Source contracts as office temps not be provided that same off-site opportunity? These positions have been previously approved by OGS and have also been deemed to be office temps by the procuring agencies who have contracted with NYSID.

Procurement Council Staff Response:

Staff believes the proposed definition is appropriate for the service category of office workers. There is an approved preferred source service of Temporary Personnel-Warehouse and staff finds no prohibition against the submission of an application to the Procurement Council for approval of additional service offerings that include positions involving work performed outside of a typical office setting or positions requiring a higher level of experience, education, or training than found in a basic office temporary support position. The OGS Administrative Services contract has 11 different categories of temporary personnel, called Lots, and only one of the 11 Lots include “typical” officer worker titles. Many of the positions described by NYSID, as contained within a contract it has with New York City Department of Citywide Administrative Services (“DCAS”), are found within Lots titled Financial Occupations, Legal Occupations, Miscellaneous Health Occupations, etc., or are not included within the OGS Administrative Services contract.

The NYSID proposed edits greatly expand the permissible positions under this service offering to include jobs for which most of the work is performed outside of an office setting, but with some reporting of information back to an office such as train passenger ticket agents, passenger counters, temperature measurers, ticket purchasers, stock clerks, surveyors, test monitors/proctors, couriers, and messengers. Staff believes the definition should only include positions where the work is performed within a defined office environment, and that the request for the services identify not only the required duties but also the term and location of the engagement, to prevent field work or the establishment of “back-drop/stand-by” contracts. Each temporary personnel-office engagement must meet the required disabled labor ratio and the price must be as close to and no greater than 15% above prevailing market prices. To ensure these requirements are met, the requesting government entity must identify each position sought to be filled immediately, as well as the location of the position and term of engagement when requesting the services from NYSID. It will be impossible to assess compliance with the disabled labor ratio and price reasonableness if the contract is a back-drop or stand-by contract, with positions to be filled in the future as the needs of the requesting entity change.

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Notice to Purchasing entities:

1. The following job descriptions and service categories are intended to provide guidance to purchasing entities. Because job titles vary by purchasing entity, the service categories that follow identify approved Preferred Source Office Temp service offerings.
2. The Office Temp service categories and job descriptions contain a set of tasks and general expectations which have been grouped together and categorized under service category headings. Purchasing entities must define their scope of work, staffing needs and the level of skill required to meet their form, function, and utility requirements.
3. **Any job title identified by a purchasing entity must have an accompanying job description that aligns with the approved temp service categories under this definition.** (Please note the workgroup agreed to bold and underline this sentence in the approved definition.) The definition of Temporary Personnel Office is a framework under which Preferred Sources are approved to offer support functions in an office environment. ~~Experienced Office Temps may be required to supervise others.~~

Workgroup Comments:

Empire State Development Proposed Edit: *The last sentence in paragraph 3 should be deleted as this definition should encompass only the lower level support staff due to union concerns.*

NYSID Response: *Individuals have been asked to supervise temp workers we place so there should not be a prohibition on that as ESD recommends. Furthermore, this had been included in all prior OGS drafts.*

Procurement Council Staff Response:

Staff *believes that some supervision duties may be required when more experienced staff are hired such as Executive Secretaries or Administrative Assistants who may be required to supervise clerks or less experienced staff.*

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4. This definition does not include the following:
 - a) Positions requiring policy decision making, financial advising, counseling, or program management.

- b) Any positions that require ~~a four-year or higher degree, or~~ a certification or license including but not limited to: services as an accountant, actuary, architect, attorney, physician, engineer, nurse, laboratory technician, paralegal, social worker, etc.

Workgroup Comments:

NYSID states that the prohibition on a position(s) requiring a four-year degree should be removed as part of the definition as it does not provide any clarification to the definition of the service provided, but actually acts to minimize the achievements and potential opportunities of the individuals that the Preferred Source Program was established to serve. If a procuring agency establishes a four-year degree as part of the position requirements it becomes a form, function, and utility requirement. NYSID has already demonstrated the ability to meet that requirement as there are five individuals currently placed in positions requiring a four-year degree by the procuring agencies; why, then, should that restriction be included as a prohibition in the definition of Temporary Personnel – Office? We have previously provided statistics pursuant to a 2015 study conducted by Cornell University as to the number of individuals with disabilities that have four-year degrees who are currently unemployed (these total 58,382 in New York State), so why would this definition be used to discourage and discriminate against these individuals working on a NYSID contract in a position as a temporary office worker?

NYSID Proposed Edit: Change subparagraph (b) to read: Any positions that require a **four-year or higher degree,** or certification or license including but not limited to: services as an accountant, actuary, architect, attorney, physician, engineer, nurse, laboratory technician, paralegal, social worker, etc.

Procurement Council Staff Response:

Staff: There are many positions for which a person may be hired wherein a certification or license is not required, but a four-year degree is, such as accountants (before becoming a CPA) actuaries, auditors, social workers/counselors, HR managers, etc. Accustaff reported that in their 29 years of providing temporary office staff, there has never been a request requiring that a temp office worker have a four-year or higher degree. This limitation does not prevent a person with a four-year degree from accepting a temporary office position, but it would prevent an agency from obtaining temps in higher level positions under this service offering. Staff believe that a service offering titled Temporary Personnel-Office should include only lower level office support workers, and not workers in management or other positions requiring a four-year or higher degree.

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- c) Any positions requiring Information Technology (“IT”) hardware, software or system analysis, design development, programming, implementation, support, troubleshooting, repair, end user (break-fix) technical support, account administration, IT Helpdesk, etc.
- d) Positions requiring manual labor services such as janitorial, maintenance, custodial, grounds, laundry, housekeeping, general labor, moving, warehouse, or construction trades etc.

At a minimum, Office Temps under all Service Categories should be able to utilize office equipment to enter and retrieve data, this includes but is not limited to ability to use desktop or laptop computers, computer terminals, copiers, fax machines, desktop scanners or multifunction devices to fax, scan, photo copy, etc. Office Temps should be able to communicate at a level and in the number of languages that meet the purchasing entity’s form, function, and utility requirement. Office Temps may also be required to triage basic office computer and printer related issues, which require basic level knowledge of the operation of such equipment sufficient to engage appropriate IT resources for troubleshooting.

Temporary Personnel - Office Service Categories**Clerical Support Services (Calculations, File, Fiscal, Legal, Medical)**

Perform a wide variety of clerical support duties, including but not limited to: typing, filing, copying, correspondence, invoices, receipts, and other records in alphabetical or numerical order per the filing system used by purchasing entity. Locate, retrieve, and file hard copy documents and open, edit, and save electronic files to various locations. Prepare incoming and outgoing mail for distribution. **Responsibilities may require a significant amount of field work to compile data in support of an office or department.** Duties may include; completing and filing records and forms. Provide ~~basic~~ bookkeeping, accounting, auditing, and billing support by coding, calculating, posting, or updating financial, payroll, accounts payable, accounts receivable, or budget type records, work with numerical data to keep records complete, and file records and forms. Some knowledge of financial terminology, payroll procedures, and budget preparation may be required. Ability to compute, classify, and record numerical data to keep financial records complete. May also check the accuracy of figures, calculations, and postings pertaining to business transactions recorded by other workers.

Workgroup Comments:

NYSID Proposed Edit: Add the sentence "**Responsibilities may require a significant amount of field work to compile data in support of an office or department.**" before the text "Duties may include... in the 4th line down. Also, remove the word "basic" in the 5th line down, before "bookkeeping." A summary of the basis for these proposed edits are contained within the NYSID FINAL COMMENTS attachment.

Procurement Council Staff Response:

Staff: The NYSID proposed edits greatly expand the permissible positions under this service offering to include jobs for which the majority of work is performed outside of an office setting, but with some reporting of information back to an office such as train passenger ticket agents, passenger counters, temperature measurers, ticket purchasers, stock clerks, surveyors, test monitors/proctors, couriers, and messengers. Staff believes the definition should only include positions where the work is performed within a defined office environment. In addition, staff believe a service offering of temporary office personnel should include only basic level or introductory positions, not the higher-level tasks/positions as previously identified.

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Data Entry and Word Processing Services

Operate standard office equipment with alphabetic or numeric keyboard; enter, verify, update, correct and retrieve information; enter information with speed and accuracy. Use office equipment (desktop, laptop, typewriter, etc.) to prepare letters, reports, forms, or other material from rough draft, corrected copy, or voice recording. Review and correct drafts for compliance with originals. Edit documents using proper grammar, punctuation, and spelling. Send and receive e-mail. Duties may include verifying data and preparing materials as specified by purchasing entity. Clerical support services may be incorporated into this service category. Follow and understand instructions for the development of final documents on word processing/computer equipment. Proofread and correct documents. Must have knowledge of business English, spelling, grammar, punctuation, math, knowledge of purchasing entity's software packages, and ability to learn within a reasonable time. May develop graphs, spreadsheets, charts, etc.

Administrative, Secretarial and Telephone Services

Provide support services that are essential to the operation of an office. Duties include scheduling, answering phones, typing, word processing, taking dictation, organization, and similar activities that support program areas as well as use of proper grammar, punctuation, and spelling when sending and responding to e-mail, drafting

correspondence, scheduling appointments, proofreading or correcting documents, organizing and maintaining files, conducting research, sharing information, receiving or escorting visitors to meetings, or arranging conference calls. May also be required to operate multi-line telephone systems or switchboards to relay incoming, outgoing, or interoffice calls. May respond to inquiries or obtain information for the public, customers, visitors, and other interested parties. Call center, customer services, and telephone operators may provide scripted instructions to address customer concerns and forwarding the request to technical support if outside the scope of predetermined responses.

Human Resource Support Services

Provide HR teams and departments with support services including, but not limited to: employee benefits, payroll, on-boarding, and human services, ~~and salary information~~. Provide program support in the hiring process, including but not limited to: responding to application submissions, or screening applications and resumes. Send and receive e-mail, review and process employee leave, attendance, and time sheets. **May be required to administer and proctor exams for prospective candidates and/or current employees.**

First Workgroup Comment on this section:

NYSID Proposed Edit: Add at the end of the paragraph: **May be required to administer and proctor exams for prospective candidates and/or current employees.** A summary of the basis for these proposed edits are contained within the NYSID FINAL COMMENTS attachment.

Procurement Council Staff Response:

The NYSID proposed edits expand the permissible positions under this service offering to include jobs typically performed outside of a defined office environment. Workgroup members suggested that NYSID submit an application to the Procurement Council to add test monitors, administrators, and proctors as a new stand-alone service offering.

Second Workgroup Comment on this section:

ESD Proposed Edit: Delete "**and salary information**" at the end of the first sentence. ESD recommends that temporary personnel not have access to salary information, which is confidential.

NYSID Response: ESD also recommends the removal of salary information that may be viewed by temporary workers. That is determined by the procuring agency and, as such, the inclusion of salary information should remain in the definition.

Procurement Council Staff Response:

Staff agrees with NYSID and believe that temporary workers in various positions, not just in HR offices, may have exposure to salary information and that concerns regarding confidentiality should be handled at the procuring agency level, rather than barring such access completely through a definition.

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Executive, Legal and Medical Secretarial Services

Provide a high-level of administrative support services that are essential to the operation of an office, including but not limited to: preparing executive correspondence or confidential reports. May organize business office operations, answer and route calls, create and respond to correspondence, and send and receive e-mail. Use proper grammar, punctuation, and spelling in business communications. Interface with customers, the public or executives, perform special assignments, studies, and routine administrative or secretarial functions. May be required to use and understand legal terminology, procedures, and document formats to prepare legal documents such as summonses, complaints, motions, and subpoenas. May also assist with legal research. May be required to use and understand medical terminology, or hospital, clinic, or laboratory practices or the

ability to take and transcribe complex medical dictation. Duties include scheduling appointments, medical coding, and billing, compiling, and recording ~~confidential~~—medical data, generating medical reports, and correspondence. Assist with calendars, travel arrangements, reimbursement, scheduling meetings/rooms/office equipment/conference calls/events, etc. Track and maintain office supplies and equipment.

Workgroup Comments:

ESD Proposed Edit: Delete “~~confidential~~” in the sentence: *Duties include scheduling appointments, medical coding, and billing, compiling, and recording confidential medical data, generating medical reports and correspondence. ESD recommends that temporary personnel not have access to confidential information.*

Procurement Council Staff Response:

Staff believe that temporary workers in various positions may have exposure to confidential medical data and that concerns regarding confidentiality should be handled at the procuring agency level, rather than barring such access completely through a definition.

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Final Comments:

NYSID: OGS states that no current contract currently in place will be impacted by this definition. This may be an accurate statement but it does not provide a true picture of the impact that this definition will have on those currently employed nor those that seek employment in the future on Preferred Source temp contracts. Overall there are currently 65 positions filled by individuals with disabilities that will be impacted by the elimination of those jobs if this definition is implemented as currently written. Over the period of August 1, 2016 through July 31, 2017 there have been more than 200 individuals with disabilities placed in these positions to meet the reporting demands of the departments and offices needing this statistical data.

Procurement Council Staff Response:

Staff: The Procurement Council is tasked with defining the service category of Temporary Personnel – Office and the positions of concern to NYSID and GoodTemps are not “typical” office workers. The positions they have identified as “at risk” are positions performed in the field, on or near subways or within train stations. They are also concerned with the loss of positions for test monitors and proctors as well as higher level positions requiring four-year or higher degrees such as accountants, actuaries, auditors, budget analysts, purchasing, marketing, and human resource managers. NYSID and GoodTemps were advised during the first workgroup meeting and most of the ongoing workgroup meetings that there is nothing in the State Finance Law or the Preferred Source Guidelines preventing them from submitting one or more applications to the Procurement Council to obtain approval to offer services that fall outside the proposed definition.

