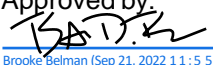




Approved by:  <a href="#">Brooke Belman (Sep 21, 2022 11:55 PDT)</a> Chief Executive Officer <u>Theodore G. Lucas</u> <a href="#">Theodore G. Lucas (Sep 15, 2022 09:38 PDT)</a> Chief Procurement Officer	<b>Agency Policy 302</b>	Procurement and Contracts
	Contracted Workforce	
	Effective Date: 09/15/2022	

## Contracted Workforce

### 1.0 Scope

1.1 This policy addresses the agency's contracted workforce program.

### 2.0 Definitions

- 2.1 Contracted staff: Any individuals or vendors who contract with Sound Transit and/or their employees to perform services or complete work in a non-employee status and meets Internal Revenue Service criteria regarding independent contractors. Independent contractors are self-employed and in control of both the results and the method of the work or services.
- 2.2 Contracted workforce: Any contracted staff, partner agency staff and temporary contracted staff who perform work on behalf of Sound Transit.
- 2.3 Employee: A person employed by Sound Transit, including regular employees, term limited employees, direct hire temps and interns.
- 2.4 Partner agency staff: Any person(s) who performs services for Sound Transit employed or provided by another governmental agency with which Sound Transit has a formal agreement that provides an understanding of how all entities will work together and the duration of the effort.
- 2.5 Temporary contracted staff: A temporary consultant or contractor employed by a vendor who has a contract with Sound Transit to provide such services and works for a limited duration.
- 2.6 Workforce: Any person(s) who works for Sound Transit, whether as an employee or a member of the contracted workforce.

### 3.0 Policy

- 3.1 Sound Transit ensures that the services of contracted staff are used appropriately and lawfully.
- 3.2 Contracted staff are subject to the following requirements:
  - 3.2.1 Have other clients, an office and equipment, unless approved by Sound Transit.
  - 3.2.2 Have a business license in the State of Washington.
  - 3.2.3 Work in their company's office or from home, unless approved by Sound Transit.
  - 3.2.4 Manage the services or deliverables required under contract. Sound Transit has oversight but not direct management responsibility for the work.
  - 3.2.5 Have independence for the selection of their subconsultants/subcontractors unless the contract stipulates Sound Transit pre-approval.
  - 3.2.6 Will not supervise Sound Transit employees, do not have spend control authority, cannot check out a Sound Transit vehicle and cannot execute contracts or change orders on behalf of Sound Transit.
- 3.3 Sound Transit does not provide resources to a member of the contracted workforce, unless approved by exception and with sufficient business justification by the chief procurement officer (CPO).

- 3.4 The project manager, or the individual responsible for managing the contract or agreement, may request an exception to provide resources to a member of the contracted workforce. Each request must include a business justification for the use of Sound Transit resources.
- 3.5 The CPO has the authority to approve or deny any such request. The CPO may further delegate this authority to their employee(s) as appropriate. Requests for office space at field offices do not require CPO approval.
- 3.6 If a request is denied by the CPO, the requesting department's deputy executive director or executive director may appeal to the deputy chief executive officer. The CPO must be included in all correspondence requesting an appeal.
- 3.7 If approved, Sound Transit may provide one or more of the following resources to a member of the contracted workforce:
  - 3.7.1 Facility access
  - 3.7.2 Dedicated office space or access to hotel desk space
  - 3.7.3 Information technology (IT) equipment
  - 3.7.4 Sound Transit email
  - 3.7.5 Access to Sound Transit systems and data
- 3.8 The procurement and contracts division is responsible for managing and administering the contracted workforce program. This responsibility includes:
  - 3.8.1 Creating and maintaining procedures related to this policy.
  - 3.8.2 Performing periodic audits of the contracted workforce program.
  - 3.8.3 Coordinating agency-required training for contracted workforce.
  - 3.8.4 Coordinating with IT, security, space planning and other necessary departments to establish and maintain appropriate processes, procedures, accurate tracking of resources provided to the contracted workforce, and compliance with information security, building security, protection of Sound Transit assets, health, safety mandates and all other established protocols.
- 3.9 **Onboarding and offboarding**
  - 3.9.1 Departments are responsible for onboarding and offboarding members of the contracted workforce, in accordance with the process and procedures established under this policy.
  - 3.9.2 Departments are responsible for offboarding immediately upon completion of the assignment. Departments must collect all agency assets.
  - 3.9.3 If there is any change to an approved contracted workforce request, departments are responsible for submitting a modification request to the procurement and contracts division before any change is implemented.
- 3.10 **Temporary contracted staff**
  - 3.10.1 Temporary contracted staff are subject to the following criteria:
    - 3.10.1.a Temporary contracted staff are provided by an outside vendor.
    - 3.10.1.b Sound Transit directs their work and provides the necessary equipment.
    - 3.10.1.c Hiring, pay, benefits and performance issues are handled by the outside agency.
  - 3.10.2 Sound Transit provides resources to members of the contracted workforce as stipulated in the contract and subject to this policy.

- 3.10.3 Temporary contracted staff are not eligible for Sound Transit training offerings (unless required to perform their role or Sound Transit required), recognition programs, Sound Transit paid leave or any other Sound Transit employee program. ORCA passes are not provided.
- 3.10.4 No temporary contracted staff may provide services to Sound Transit for more than 12 months full-time without a 90-day absence from Sound Transit unless approved by the CPO.
  - 3.10.4.a To be approved by the CPO, an extension must be in the best interest of Sound Transit to meet business needs.
  - 3.10.4.b If an extension will cause an individual's services to extend beyond a total of 14 months full-time without a 90-day absence from Sound Transit, legal concurrence is required.

3.11 **Partner agency staff.** Sound Transit provides resources as stipulated in the agency agreement and subject to this policy.

3.12 Failure to comply with this policy may result in corrective action up to and including termination.

#### **4.0 References**

- 4.0 Resolution No. R2018-40 Procurement, Agreements and Delegated Authority
- 4.1 Agency Policy 604 Procurement, Agreements and Spend Control
- 4.2 Agency Policy 1101 Acceptable Use of Technology
- 4.3 Agency Policy 1100 Information Security
- 4.4 Agency Policy 1022 Direct Hire Temporary Workers
- 4.5 Agency Policy 2101 COVID-19 Vaccination Policy
- 4.6 Agency Policy 607 Non-Revenue Vehicle Use

Signature:   
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