

PROCESS FOR APPROVING AT-WILL-EMPLOYEE-CONTRACTS

1. Agency determines recruitment method, interviews and selects applicant to fill AWEC position.
 - a. If it is a new position, not in the standard budget, PM-20 will need to be completed and sent to A&I for approval before the recruitment process is started. Once signed by A&I the PM-20 will be returned to the Agency so they can finalize the form and attach it to the contract when a selection is made.
2. Agency completes PM-20 (AWEC approval form) and AWEC contract template.
3. Completed contract and PM20 sent to the Attorney General's Office for review and signature.
4. Attorney General's Office forwards signed contract and PM-20 to A&I for processing and signature. Both the Budget Division and Human Resource Division will review the PM-20 form and approve. This process should not take more than a couple of days. If there is a need to expedite the process agencies just need to contact the Human Resource Division and they will walk the contract through the process.
5. Once the position is established, A&I HRD will return the contract and the PM-20 form to Agency.
6. Final Agency and Employee signatures are applied and contract is effective.

FAQ's

Question #1 – Can this policy address those issues where a position may require a specialized set of skills and the need to compensate at a higher level for those skills.

Answer #1 – Yes, the agency's justification should describe the issues and why a higher salary is needed. These rates will be passed through the Governor's Office for review before final approval is given. Plan on a couple of extra days for approval for these types of positions.

Question #2 – When applying for federal grants, the grantor often requires a "commitment" to staff the grant appropriately. Will A&I "pre-approve" an AWEC position(s) for grant application purposes? If the answer is "yes", how much lead time will A&I need for this "pre-approval" process?

Answer #2 – The agency can submit the PM-20 with the B-11 request and have everything approved at the same time. If they would like more advanced notice they can submit the PM-20 when they submit the grant proposal, A&I then can review and let the agency know before the grant is in place.

Question #3 – With the capture of existing AWEC positions, mandated salary increases will be adjusted and applied to the standard agency budget.

Answer #3 – The compensation table will be adjusted to reflect changes in the market. Since AWEC's do not qualify for across the board adjustments the agency will have to amend the contract to make any changes to the pay rate. These adjustments will not be funded until the next budget is captured.

Question #4 – Under item #4, we assume that a request could be put forward in either legislative session.

Answer #4 – Yes, you can ask to have the AWEC position converted to permanent in either session.

Question #5 – The payroll procedure that runs from the 16th to the 15th and requires differentiated accounting will continue to be more complicated, but we assume there is no desire to change to a system that coincides with other payroll procedures.

Answer #5 – All hourly employees are currently paid from the 16th to the 15th of the month. This process allows for the entry of actual time worked ensuring proper payment.

Question #6 – The main concern is a procedural question related to when this form will be required to be submitted to your office. I would strongly recommend that the form simply be attached to the AWEC contract when the contract is submitted for your signature.

Answer #6 – The process above outlines how to submit the PM-20. It will be attached to the contract and submitted to the AG's office. They will then forward it to A&I for review and approval. It will then be returned to the agency for their signatures.

Question #7 – My second comment goes to the need for an "employee" signature block. I'm not clear as to the purpose of having an employee sign this request. As you are aware, the employee is required to sign the AWEC contract and that is understandable.

Answer #7 – The employee can sign the PM-20 at the time they sign the contract. The reason for the employee signing the contract is to ensure an understanding of what the rate of pay will be.

Question #8 – I'm unclear as to the need for this approval form for the majority of the Game and Fish Department AWEC positions. With minor exceptions, the AWEC positions and funding for the Game and Fish Department are approved via our Commission. Therefore, I would respectfully request that this Department be given a waiver for use of the form.

Answer #8 – The PM-20 form will now be a part of the of the contract template so all agencies will be required to use the form. The Game & Fish Dept. will still need to keep within the salary ranges for their classifications thus the form will be used to ensure this consistency.

Question #9 – The AWEC Position Approval Form, requires that the agency to provide justification for hiring AWEC positions. What constitutes a justifiable reason for hiring an AWEC? Will consideration be given to the agency's stated need or will A&I make a determination based on established criteria?

Answer #9 – The justification will be solely at the discretion of the agency, there will not be any established criteria. The justification will be used to respond to questions concerning what function(s) are the AWEC employees performing for the state and why are they needed.

Question #10 – What would constitute a "project" related AWEC that would be considered for exception from the inclusion as an exception budget request?

Answer #10 – This would depend on the length of time and funding. Projects would be defined by the length of time, or limited funding, to complete the tasks. If the duties are going to be ongoing then a decision would have to be made to move the position to permanent status. It is possible that at first it is considered project based and then with continued funding it could change.

Question #11 – AWEC positions that will be occupied by the same individual for a period that exceeds 2 years must be submitted as an exception request for a permanent position. What happens if the exception request is approved? Will this double fund a position? What if the exception request is denied? Will the position count and associated funding allow the AWEC to continue working through the biennium? Does the cycle repeat itself with each new biennium?

Answer #11 – The agency would receive an additional permanent position that the AWEC can then fill. The funding for the AWEC would then be moved to the permanent position and the AWEC position would be dropped. If the exception request is denied the position would stay as an AWEC and continue through the term of the contract. Yes, if the AWEC position is going to be functioning on an continuing basis the request to move to permanent status will have to be repeated.

Question #12 – Would AWECs be eligible for an add on for work that is the same as that done by standard line employees?

Answer #12 – If monies are available in the contract an AWEC can receive addon pay for special duties performed.

Question #13 – If the AWEC is paid hourly, and the AWEC starts on the 16th day of the month, how long must the AWEC wait before s/he is paid for the first time? Is this lag time fair to the employee?

Answer #13 – The employee in this situation would have to wait 6 weeks until their first pay check. This would have to be clearly explained to the employee so they could make any arrangements needed to address this issue. Most other employment sectors are under this lag system and it is understood by employees that they won't see their first pay check immediately. Does this make it right or wrong, I can't answer that but it does give the state the ability to ensure payment is correct for the hours worked.

Question #14 – Because AWECs are not entitled to vacation, sick or holiday leave, may the agency negotiate to pay the AWEC at a higher rate than the base pay in order to make up for the loss of work time?

Answer #14 – No, if a holiday lands during the work week and the State is closed the AWEC can put in extra hours during the week to offset this loss of time.

Question #15 – What criteria might be considered in the approval of AWECs submitted to be set up as salaried?

Answer #15 – This would be determined from the duties being performed and how they match to the Fair Labor Standards Act.

Question #16 – What does "appropriate" mean in item 10 on page 2 of the policy? What criteria would be considered when determining the appropriateness of the AWEC position?

Answer #16 – The main focus would be on funding, if the funding source is from an outside entity then the B-11 process could be used. This would give the employee access to benefits (and the state match) as well as leave and service credits. It will be up to the agency to determine which process fits best for their needs.

Question #17 – WDOC has contracted with special education teachers to work a specified number of days for a monthly rate. This type of arrangement allowed WDOC to hire qualified teachers because the agreement was somewhat more like a standard teacher contract. Will WDOC be allowed to continue such agreements under the proposed policy?

Answer #17 – The duties would have to be reviewed but on first glance I would say these could continue as is.