

ADMINISTRATIVE ORDER
OF THE
JEFFERSON COUNTY COMMISSION

15-5

PURSUANT to the authority vested in the Jefferson County Commission by law, Administrative Order 15-___ is hereby issued:

I. PURPOSE

To establish a policy for compliance with the limitations contained in the Merit System Law on the use of contractors to perform the work of Merit System employees.

II. DEFINITIONS

For purposes of this Administrative Order these terms shall have the following definition:

1. "County": Jefferson County, a political subdivision of the State of Alabama.
2. "County Commission": The Jefferson County Commission.
3. "Independent Contractor": Any person, firm or entity, to include a prospective Independent Contractor. The term "Independent Contractor" shall not include any person, firm, or entity to be retained by the Appointing Authority for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities.
4. "Merit System Employees": Classified employees under the Merit System Law.
5. "Merit System Law": Alabama Act 248 (1945), as amended.
6. "Personnel Board": The Jefferson County Personnel Board.
7. "Staffing Contract": A contract between the County and an Independent Contractor that includes work which could be performed by Merit System Employees.

III. POLICY

1. It shall be the policy of the County Commission to strictly comply with the Merit System Law which places certain limitations on the use of Independent Contractors to perform the work of Merit System employees. To ensure compliance with this policy, the County Manager, in consultation with the County Attorney's Office, shall develop and maintain written contract review procedures consistent with all applicable laws, including, but not limited to the Merit System Law. All Staffing Contracts shall be reviewed pursuant to such contract review procedures, which shall, among other things, require an analysis of each Staffing Contract under the following factors:
 - A. Whether the work to be completed by the Independent Contractor can be performed as well, practically, expeditiously and economically by Merit System employees.
 - B. Whether qualified persons are available for appointment under the Merit System Law or the Personnel Board rules for performance of the work to be performed by the Independent Contractor;
 - C. Whether the work to be performed may reasonably be expected to be continuous for an indefinite time, regularly recurrent or whether it is periodic or sporadic in nature;
 - D. Whether the work to be performed is customarily and generally given to Independent Contractors;

- E. Whether the Appointing Authority at issue has the physical facilities and equipment required to perform the work, for example, buildings, vehicles, and other equipment; and
 - F. Whether any other relevant factors justify the hiring of an Independent Contractor.
2. It shall be the policy of the Commission that the following contracts will be placed on the agenda for a meeting of the Commission after review by the County Manager (or in his or her absence, a Deputy County Manager) and the County Attorney's Office who shall determine that such contracts contain no staffing components or provisions:
- A. Contracts for services (a) provided by persons specifically excluded from the classified service under the Personnel Board Enabling Act, as amended, or (b) required by law to be performed by non-county personnel, including but not limited to independent auditors, financial advisors and debt underwriters.
 - B. Contracts for specialized architectural, engineering or mapping services
 - C. Emergency repair contracts necessary for the county to comply with its EPA consent decree relating to the public sanitary sewer or necessary to protect public health and safety.
 - D. Contracts for economic development incentives, including tax abatements
 - E. Contracts for the purchase, sale, lease or rental of real estate, fixed assets, supplies, and media
 - F. Software licenses, maintenance and support agreements
 - G. Contracts for telephone, utility or internet services

- H. Contracts for the provision of employee and retiree benefits
 - I. Agreements with state or federal agencies that contain no staffing components or provisions
 - J. Grant acceptance agreements that contain no staffing components or provisions
 - K. Contracts to provide funding to local senior centers for nutrition provided that such contracts contain no staffing components or provisions
 - L. Intergovernmental cooperation agreements
 - M. Legal settlements
 - N. Non-disclosure agreements
 - O. Contracts granting or purchasing rights of way, easements, and licenses for the use real property
 - P. Properly bid contracts for post-disaster debris removal
 - Q. Contracts for the purchase of products, where the work performed is incidental to the receipt of the product itself
 - R. Contracts for professional services related to debt recovery
 - S. Any other contract without a staffing component, as determined by the County Manager, in consultation with the County Attorney's Office and the County Human Resources Department.
3. The County Manager or his designee shall be the primary point of Contact with the Jefferson County Personnel Board for any issues involving County Contracts.

IV. VIOLATIONS

It shall be a violation of this Administrative Order for any Department Head or County employee to require or permit an Independent Contractor to perform work for the County unless all applicable requirements of the contract review procedures in effect at the time are satisfied. It shall also be a violation of this Administrative Order for any Department Head or County employee to require or permit an Independent Contractor to perform any additional work outside of the Scope of Work contained in the contract document when such additional work could be performed by a Merit System Employee. Violators of this Administrative Order shall be subject to disciplinary action.

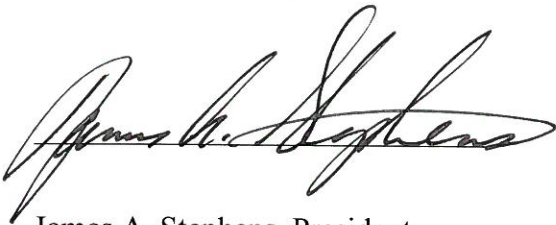
V. REPEAL OF PRIOR POLICY

Administrative Orders 06-1 and 14-1 are repealed effective immediately.

VI. EFFECTIVE DATE

This Administrative Order shall be effective at 12:01 a.m., _____, 2015.

ORDERED at the Jefferson County Courthouse this 10 day of Sept., 2015.



James A. Stephens, President

Jefferson County Commission

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 9-10-15
MINUTE BOOK: 168
PAGE(S): 534-536

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Page Three – Item #2 Change to the following:

It shall be the policy of the Commission that the following contracts will be placed on the agenda for a meeting of the Commission after review by the County Manager and the County's Attorney's Office who shall determine that such contracts contain no staffing components or provisions.

Item D under Item #2:

Delete "that contain no staffing components or provisions."