

## Policy

<b>Policy Title:</b>	DHS Employees As Contractors				
<b>Policy Number:</b>	DHS-060-003	<b>Version:</b>	1.0	<b>Effective Date:</b>	03/27/2002

DHS Chief Administrative Officer

03/27/2002

Approved By: (Authorized Signer Name)

Date Approved

### Overview

#### **Description:**

DHS will not contract with its employees - describes exceptions

#### **Purpose/Rationale:**

It is the expectation that DHS will not contract with its employees. If contracting does occur, specific exception criteria must be met for the situation to be appropriate. This policy is meant to identify these exceptions.

#### **Applicability:**

This policy applies to all current DHS employees.

#### **Failure to Comply:**

Failure to comply with this policy may result in disciplinary action.

### Policy

1. **Exceptions** may be granted when:
  - a. The employee is not full time.
  - b. There are no employees available to do the work required.
  - c. The contract work is materially different from the duties in the employee's job description and the work he/she is performing for DHS.
  - d. The contract work will not be performed during the employee's regular work schedule.
  - e. Prior approval of Human Resources is obtained.
  - f. The approval of the Assistant Director of the section requesting the contract is obtained.
2. DHS follows standard contract procedures when approving personal services contracts. The standard tests for independent contractor must be met when the contract is written and throughout the contract. See [OAR 125-246-0330\(2\)](#), [125-246-0335\(3\)](#) and [ORS 670.600](#).
3. DHS will not contract with an employee for work in the section of DHS where he/she normally works.
4. DHS will not contract with an employee who has used his/her position to obtain the contract.

### Procedure(s) that apply:

DHS-060-003-01, DHS Employees as Contractors Procedure

## Form(s) that apply:

None

## Definition(s):

See Common Terms for DHS Human Resource policies

See Common Terms for department-wide support services policies

## Reference(s):

DHS-060-002, Conflict of Interest Policy

OAR 125-246-0330(2), State Procurement

OAR 125-246-0335(3), Authority and Standards for Personal Services Contracts

ORS 670.600, Independent Contractor defined

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## Policy History:

- **Version 1.0:**

- 07/13/2006 - Administrative Correction: Update policy to current template format and reference to DAS rule and statute numbers that have changed since this DHS policy was initially released.
- 03/27/2002 - Initial Release

## Keywords:

(List keywords here that might be used by someone to search for this policy on the internet)