October 25, 2011

MEMORANDUM NO: 083-11HR

TO: **Agency Administrators**

FROM: **Bobbie Chappell**

VIA: **Rip Colvin, Executive Director**

RE: **Request for OPS Extensions FY 2011-2012**

Section 110.131, F.S., limits the amount of hours individuals in **other-personal-services** (OPS) temporary employment may work to 1,040 hours on an annual basis. Specifically, the language stipulates:

> **"An agency may employ any qualified individual in other-personal-services temporary employment for 1,040 hours within any 12-month period. An extension beyond a total of 1,040 hours within an agency for any individual requires a recommendation by the agency head and approval by the Executive Office of the Governor."**

Attached are the procedures and forms to be used to request approval for the OPS extensions. The request can be submitted via email to Bobbie Chappell at BobbieC@justiceadmin.org. Please note that the requests for OPS extensions are **due Monday, October 31, 2011** by close of business. Each agency will be provided opportunities during January and March to submit OPS extension requests for individuals that were not anticipated to be employed beyond the 1,040 hours within the Fiscal Year 2011-2012 at the time of this exercise.

If you have any questions regarding this matter please contact me at 850-488-2415, extension 249 or via email at BobbieC@justiceadmin.org.

Procedures for OPS Approval of 1,040 Hour Extension for FY 2011-2012

Pursuant to s. 110.131(2), F.S., the Executive Office of the Governor must approve extensions beyond 1,040 hours in a 12-month period for individuals in OPS employment. Each agency must submit an electronic request using the attached Excel spreadsheet to the Justice Administrative Commission (JAC) to extend the employment of OPS individuals expected to work more than 1,040 hours during the Fiscal Year 2011-12. The Extension Request Tab on the spreadsheet should only include individuals that are not eligible for any of the exemptions stipulated in s. 110.131, F.S. (listed below in paragraph 1 in the Definitions section of these instructions). Chapter 60L-33.005 Florida Administrative Code provides criteria that form the basis for approval. The justifications for OPS extensions must include sufficient detail to justify

the request. The Request for Exemption Tab should be completed to account for all OPS positions that are determined to be exempt from the extension approval requirements, regardless of whether they are anticipated to exceed the 1,040 hour threshold. Please send your requests for OPS extensions and exemptions for Fiscal Year 2011-2012, via e-mail, to Bobbie Chappell at BobbieC@justiceadmin.org by close of business **Monday October 31, 2011**. OPB will notify the Justice Administrative Commission of its approval or disapproval of the request by November 18, 2011.

Definitions

An OPS employee -- an individual who is rendering temporary services not assigned to an established position. These employees are paid from other-personal-services appropriations.

OPS employees categorized as "temporary" upon hire require EOG approval for extending their employment beyond 1,040 hours per year. Exemptions include:

- Temporary OPS hired to deal with an emergency situation that affects the public health, safety, or welfare;
- Board members;
- Temporary OPS hired for a project that is identified by a specific appropriation;
- Temporary OPS hired for a project that is identified by a time-limited grant;
- Consultants;
- Seasonal employees;
- Institutional clients employed as part of their rehabilitation;
- Bona fide degree-seeking students in accredited secondary or postsecondary education programs;
- Part-time academic employment;
- Health care practitioners; and
- Contracted physicians.

Criteria for Approval

Chapter 60L-33.005(2) Florida Administrative Code provides that the following criteria shall form the basis of an agency's request to the Office of Policy and Budget for approval to retain an OPS employee beyond 1,040 hours:

A) The agency has requested a full-time equivalent position in its agency legislative budget request to fulfill the duties of the OPS position on a permanent basis, and the Legislature has not previously rejected such a request.

B) The employee is currently working on a special project originally scheduled for completion within 1,040 hours but, due to unforeseen circumstances documented by the agency, the project requires more time, and it would be further delayed by hiring and training a new OPS employee.

C) The employee possesses specific knowledge or skills in a mission critical area of expertise for which there is an immediate but not permanent need, and training a new employee is not cost-justified.

D) The agency hired an employee to perform the duties of a permanent employee on extended leave, and services are still needed.

Procedure for Future Fiscal Years

Each July 1, the People First field that records year-to-date hours worked will be reset to zero for active OPS employees. A history file will be maintained by the Department of Management Services for prior years.

REQUEST FOR EXTENDING NON-EXEMPT OPS EMPLOYMENT BEYOND 1,040 HOURS FOR FISCAL YEAR 2011-12

Please list each OPS individual below that will exceed 1,040 hours within a 12-month period and who are **not** exempt as specified in s.110.131 F.S. Additional lines can be inserted as needed but must include the statement, signature, and contact information at the end of the document. If additional space is required for the "detailed justification for extension" please add an additional tab and provide a number for each justification.

Employee Name	Position Number	Program Area	Supervisor Name & Phone	Detailed Justification for Extension	60L-33.005 Fl. Administrative Code Basis for Request A, B,C or D *	Continuous Years of Service With Agency in OPS Status **	HOURS YTD

"I recommend the other-personal-services employee(s) listed on this document be approved for an extension to work beyond 1,040 hours within this fiscal year. Approval of this recommendation does not guarantee continued employment."

Signature from Agency Head or Designee: _____ Date: _____

Contact for additional information:_____

Name: _____ Phone: (_____)_____

Title: _____ E-mail: _____

* Refer to page 2 of the Procedures for OPS Approval of 1,040 Hour Extension for the criteria list or refer to 60L-33.005(2) Florida Administrative Code.

** The number of years that an OPS individual has been employed with an agency should be included with each OPS individual extension request based on OPS data obtained from the People First System or knowledge from the agency. If the years of service cannot be provided for each OPS individual, then provide a statement why this information is not available.