

ADMINISTRATIVE ORDER
OF THE
JEFFERSON COUNTY COMMISSION
06-1

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

PURPOSE

To establish a policy and procedure for compliance with the restrictions contained in the Jefferson County Merit System Law on the use of contractors to perform the work of Merit System employees.

I. DEFINITIONS

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

1. "Merit System Law": Alabama Act 248 (1945), as amended.
2. "Staffing Contract": A contract between the Jefferson County Commission and a contractor, including personal services contracts, and amendments and term extensions of staffing contracts, that includes work which could be performed by Merit System employees. This does not include contracts for construction of viaducts, bridges, street improvements, sewers, sewage facilities, canals, public buildings or public utilities or the contracts for professional services required thereby.
3. "Contractor": Any person, firm, partnership, corporation or association.

II. POLICY

It shall be the policy of the Jefferson County Commission to comply with the Merit System Law which limits the use of contractors to perform the work of Merit System

employees. All Staffing Contracts shall be reviewed by the County's Director, Human Resources and approved by the Personnel Board Director before they are submitted to the Jefferson County Commission for action.

III. PROCEDURE

1. It shall be the responsibility of each Department Head to submit all proposed Staffing Contracts to the Director, Human Resources Department ("HR Director") together with a detailed written description as to why the services of a contractor are necessary.

2. The HR Director shall review the proposed Staffing Contracts to determine whether the proposed work could be performed as well, practically, expeditiously and economically by Merit System employee(s). The HR Director shall consider the following factors in reaching a decision:

- (a) 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 contractor;
- (b) Whether the work to be performed may reasonably be expected to be continuous for an indefinite time, or whether it is periodic or sporadic in nature;
- (c) Whether the work to be performed, is customarily and generally given to contractors; and
- (d) Whether the Appointing Authority at issue has the physical facilities required to perform the work, for example, buildings, vehicles, other equipment.

3. The HR Director shall record his/her determination on the Contract Cover Sheet and forward the proposed Staffing Contract to the Personnel Board Director for review and approval.

4. Staffing Contracts which are reviewed by the HR Director and approved by

the Personnel Board may be submitted to the Jefferson County Commission for action.

5. After consultation with the County Attorney, a Department Head who wishes to challenge a disapproval by the Personnel Board may submit the matter to the County Commission for its determination whether to pursue a challenge which may include litigation.

IV. VIOLATIONS


It shall be a violation of this Administrative Order for any Department Head or County employee to require or permit a contractor to perform work for the County unless the requirements of this Administrative Order are satisfied. It shall also be a violation of this Administrative Order for any Department Head or County employee to require or permit a 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, including termination for a first offense.

V. EFFECTIVE DATE

This Administrative Order shall be effective at 12:01 a.m., April 12, 2006.

ORDERED at the Jefferson County Courthouse this 18 day of April, 2006.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 4-18-06
MINUTE BOOK: 150
PAGE(S): 564-565


LARRY P. LANGFORD, President
Jefferson County Commission