

COMSCINST 12316.1	COG CODE N1	DATE 15 OCT 1990
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DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
WASHINGTON NAVY YARD BLDG 210
901 M STREET SE
WASHINGTON DC 20398-5540

COMSCINST 12316.1
N1
15 October 1990

COMSC INSTRUCTION 12316.1

Subj: USE OF PRIVATE SECTOR TEMPORARIES

Ref: (a) Federal Register of 25 Jan 89
(b) OFFCPM ARLINGTON VA 241606Z MAR 89

Encl: (1) Request for Temporary Services, MSC 12316/1 (9-90)

1. Purpose. To provide policy on using private sector temporaries in emergency and critical need situations for brief periods without creating an employer-employee relationship.

2. Definitions

a. Temporary Help Firm - a private sector entity which quickly provides specific services performed by its pool of employees, for brief or intermittent periods. The firm hires, trains, assigns, pays, provides benefits and leave to, and as necessary, disciplines and terminates its employees.

b. Private Sector Temporaries - those employees who are supervised and paid by the temporary help firm.

3. Coverage. Regulations apply to non-managerial and non-supervisory positions in Competitive Service and Schedules A and B of Excepted Service.

4. Policy

a. Temporary services may not be used in lieu of regular recruitment and hiring for permanent positions nor to displace a federal employee.

b. Private sector temporaries may be used under the following conditions:

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(1) A short term situation exists because of (a) employee's absence due to a personal need including emergency, accident, illness, parental or family responsibilities, or mandatory jury service, not including vacations or other non-compelling circumstances; or (b) short term critical work need which cannot be delayed or met with current employees or by direct appointment of employees by date and for duration needed. As a minimum, this requires all of the following determinations:

(a) there are no qualified candidates on local reemployment priority list;

(b) no qualified 30% disabled veterans are immediately available for temporary appointment for time required; and

(c) employees cannot be reassigned or detailed without causing undue delay in their regular work.

(2) No one employee of a temporary help service firm may work for more than 45 workdays in a 6-month period. If a need continues to exist for temporary services beyond this time limit, a different individual may be secured from the firm. If this would cause significant delay, an extension of the same individual may be requested from the Office of Civilian Personnel Management (*OCPM*) for a specified period. *OCPM* would in turn forward the request for extension to the Office of Personnel Management (*OPM*) for approval. When needed for maternity absence, COMSC may authorize extension of the individual for one period not to exceed 20 workdays.

(3) Overall, in any one situation in which temporary services are needed, private sector temporaries should not be used longer than 120 calendar days. Extensions beyond this time limit require approval by *OPM* for a period not to exceed 120 calendar days.

c. COMSC continues to have full authority to decide to meet temporary needs by appointing individuals as civil service employees, using regular civil service hiring procedures.

5. Responsibilities

a. The Contracts and Business Management Director (*N10*) is responsible for procuring temporary services from the private.

b. The Manpower, Personnel and Training Director (*NI*) is responsible for:

(1) Overseeing and coordinating the use of private sector temporary services at MSC Headquarters and Central Technical Activity.

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(2) Ensuring that use of private sector temporary services is in accordance with references (a) and (b).

(3) Providing guidance and assistance to directors/special assistants and supervisors.

(4) Obtaining written certification from CCPO-W that there are no qualified federal temporary candidates available and no candidates registered in the Department of the Navy Local Reemployment Priority List.

c. Comptroller (N8) shall ensure budgeting and payments are properly executed.

d. Directors/special assistants which require such services shall complete enclosure (1) and submit it to N1 for action.

6. Action. Directors/special assistants shall ensure compliance with guidance set forth in this instruction and fully support its implementation within their respective directorates.

7. Forms. Copies of enclosure (1) may be obtained from N12.

Distribution:

COMSCINST 5000.19

List I (Case A, B)

REQUEST FOR TEMPORARY SERVICES

FROM: <i>(Code)</i>	DATE:
POC:	EXT:
DATE SERVICES REQUIRED	
FROM:	TO:
DUTY HOURS	
FROM:	TO:
POSITION:	GRADE LEVEL:
SKILLS: (i.e., Word processing/ENABLE, Telephone/6 lines, Steno, Dictaphone)	
DETAILED JUSTIFICATION FOR SERVICES	

MSC 12316/1 (9-90)