

RE: Avoiding Co-Employment relationships. Navigating responsibilities for KS Resources

For IT Services through the State of Utah Contract, "IT2462", **State Managers** should understand their responsibilities in managing contingent labor for their IT Service needs.

The relationship between a **State Manager** and a vendor provided **resource** (Contractor) should not be treated the same as a direct employee with the state agency.

A general rule to follow is that State Managers are **not to engage any Vendor/Resource that would involve/require Human Resource support**. The Resource will always need to be directed to their employer for issues or concerns that do not relate to their IT Service job duties.

If a State Manager directs a resource back to their vendor, and the resource claims they are not being addressed, the State Manager may direct them to Knowledge Services for support.

Below are the types of responsibilities, ensuring the proper management role for Resources through Knowledge Services:

State Manager relationships with contingent labor through Knowledge Services are responsible for:

- Day-to-day work instructions and duties with the resource.
- Escalate any performance or behavior to the MSP.
- Reviews timecards in dotStaff™ and approves weekly. Ensure the time is correct and applied to the correct billing codes.
- If the manager has a performance related issue. The State Manager should contact UTMSP@knowledgeservices.com to discuss the concern. KS and the manager could determine if it is best to terminate the assignment immediately or have the vendor(Employer) of the resource set up a performance improvement plan. The State manager would not engage the resource directly. Knowledge Services should be contacted first. KS will handle communications and ending the assignment, including the return of any State-owned equipment/property.

Vendor Responsibilities to Resources assigned to a state manager project.

- HR
- Payroll and withholding taxes
- Properly classifying your employees (W2 or IC, 1099)
- Benefits (health insurance, retirement plans, workers comp)
- Legal (Payment disputes, needing letters for Visa Sponsorship, or other employee practices-)
- Rate increases and salary negotiations
- Employee Assistance, support, counseling
- Resolving employee grievances or complaints. Knowledge Services can assist with these issues to some extent (KS can speak with manager about issues)

State Managers

Do: Communicate to Knowledge Services for any support in managing resource behavior and performance.

Do: Refer the Knowledge Services MSP program resource to their vendor if/when they approach you with needs or concerns that should be addressed by their direct employer. (Vendor bill rates, pay, benefits, Visa Letter Request etc.)

Do: Direct vendors to Knowledge Services if you are approached on any matter. KS will manage communication to prevent any employee matters that do not involve the State. If they contact you by email, you don't need to reply, you may forward the email to UTMSP@knowledgeservices.com and we will manage the communication and need of that vendor.

Do NOT: Entertain, discuss, or negotiate with Resources about pay rate increases. A typical scenario may be: the resource has another job offer but wants to stay with the State and be paid more. Refer them back to their employer to discuss. You may and should contact KS to let us know so we can follow up.

Do NOT: Counsel, suggest or offer support to resources on how to deal with their employer. Strategizing with a resource about their employer is not a territory you want to engage. Knowledge Services is here to assist. We will address the issue and involve managers as needed.

In summation, State Managers are not the direct employer of resources through Knowledge Services. Please do not put yourself in a situation where you are acting like the resource's direct employer.