

General Information Sheet

OTHER-PERSONAL-SERVICES EMPLOYMENT

WHAT IS OPS?

Other-Personal-Services (OPS) employment is a temporary employer/employee relationship used solely for accomplishing short term or intermittent tasks. OPS employees do not fill established positions and may not be assigned the duties of any vacant authorized position.

HOW ARE OPS EMPLOYEES TRACKED?

Each OPS employee shall have their name, social security number, employment category, employment start date, number of hours worked, and amount of compensation maintained by the Department of Management Services in accordance with Section 110.131(5), Florida Statutes.

HOW ARE OPS EMPLOYEES PAID?

OPS employees are paid for the actual number of hours they work. All work hours over 40 within a workweek are paid at one and half times the employee's hourly rate of pay when the position is designated as "included" or "nonexempt" under the federal Fair Labor Standards Act (FLSA). However, even though physicians, lawyers, teachers and certain highly paid (minimum \$27.63 per hour) computer-related occupations are paid on an hourly basis, such OPS employees maintain exempt status and are not subject to the FLSA overtime provisions.

HOW MANY HOURS CAN OPS EMPLOYEES WORK?

An OPS employee in the Temporary employment category can work up to 1,040 hours and must receive authorization by the Governor's Office of Policy and Budget to work beyond the 1,040 hour limit. Rule 60L-33.005, Florida Administrative Code, provides that the following criteria shall form the basis of an agency's request for approval to retain an OPS employee beyond 1,040 hours:

- Whether the agency requested a full-time equivalent (FTE) position in its legislative budget request to permanently fulfill the duties of the OPS position, and the Legislature has not previously rejected such a request.
- Whether employment was for a specific project originally scheduled for completion within the 1,040 hours but the project requires more time due to unforeseen documented circumstances, and would be further delayed by hiring and training a new OPS employee.
- Whether 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.
- Whether the employee was performing the duties of an employee on extended leave from an authorized position, and the services are still needed.

Note: The granting of the extension shall not guarantee approval of later requests for extension for the same employee.

OPS employees in the following employment categories are **NOT** subject to the 1,040 hour time limitation:

- Board Members;
- Consultants;
- Seasonal employees;
- Institutional clients employed as part of their rehabilitation;
- Bona fide, degree-seeking students in accredited secondary or postsecondary educational programs;
- Employees hired to deal with an emergency situation that affects the public health, safety, or welfare;
- Employees hired for a project that is identified by a specific appropriation or time-limited grant;
- Employees of the Board of Trustees of the Florida School for the Deaf and the Blind as defined in section 447.203(2), Florida Statutes;
- Employees of the Division of Blind Services Library for the Blind and Physically Handicapped for whom the Division of Blind Services is the employer as defined in section 447.203(2), Florida Statutes; and
- Certain health care practitioners.

WHAT BENEFITS ARE APPLICABLE TO OPS EMPLOYEES?

- State of Florida 401(a) FICA Alternative Plan (mandatory)
- Workers' Compensation (mandatory)
- Unemployment Compensation (mandatory)
- Deferred Compensation (voluntary)

WHAT BENEFITS ARE NOT APPLICABLE TO OPS EMPLOYEES?

- Any form of paid leave
- Paid holidays
- Participation in state group insurance
- Participation in the Florida Retirement System
- Reinstatement rights or retention rights

APPLICABLE LAWS/RULES:

- Sections 110.131, 110.1315 and 216.011(1))(dd), Florida Statutes
- Rules 60L-33.005 and 60L-34.001, Florida Administrative Code