

# **Contingent Workforce Risk Management Toolkit**

**Department of Human Resource Management  
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Division of the Virginia Department of Transportation  
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- **Quick Reference Guide**
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\* Patient Protection & Affordable Care Act (PPACA)

This Toolkit provides guidelines for agency managers and supervisors for mitigating risks associated with the contingent workforce.

The information within this Toolkit is subject to change based on changes to federal and state law as well as agency, state, and federal regulations, policies, and procedures. The agency Human Resources office serves as a general point of contact for answering questions on contingent workforce risk management.

**Co-employment  
(also known as  
'joint employment')**

An employment relationship in which a contingent worker is viewed as working as a common law employee for an agency as well as an employee of the contractor.

**Common law  
employee**

A person who performs services for an agency may be considered an employee if the agency can control what will be done and how it will be done. This is true even if the agency gives the employee freedom of action. What matters is that the agency has the right to control the details of how the services are performed. May be mitigated through well-articulated contracts.

**Contingent Worker**

Any person employed through an agency contract. The worker may provide services directly through the contract or be employed by the contractor or subcontractor. This includes, but is not limited to, temporary ('temp') or leased workers and independent contractors.

**Contract  
Administrator**

Individual responsible for ensuring that the agency's interests, as outlined in the provisions of the contract, are met.

**Contract Officer  
(Buyer)**

Authorized purchasing agent. Individual responsible for facilitating the solicitation process, and awarding the contract between the agency and the contractor. This individual has the authority to cancel, change/modify the contract.

**Contractor**

Private entity or person (a.k.a. 'independent contractor'), company, corporation, or other business that engages in a contractual relationship with the agency resulting from a process conducted under the Virginia Public Procurement Act (§2.2-4300 of the Code of Virginia) conducted to obtain specific goods or services. This may be a temporary service agency, consulting company, or any type of business that meets this definition. Such private contractors are not employees of the agency. They perform services under the provisions of the state's procurement policies. No taxes are withheld from payment and no benefits are provided to the contractor. Specific terms and conditions will apply, depending on the contract.

|                                 |  |
|---------------------------------|--|
| <b>Temporary Worker</b>         | Employment agencies may be used to secure temporary workers in cases where hiring hourly employees is not practicable. The requirement to obtain workers through those employment agencies may arise when a large number of employees are required or when there is a limited amount of time for recruitment. These workers are not state employees. They are hired and compensated by the temporary employment agency that assigned them to state agencies.   |
| <b>Third Party Interference</b> | A category of liability applicable if an agency manager were to interfere in a contingent worker's employment opportunities with a contractor on a discriminatory basis.   |
| <b>Agency Employee</b>          | A classified employee according to Department of Human Resource Management Policy 2.20. This is a person hired directly by the agency who is assigned to a position within the occupational families listed in the Commonwealth's Compensation Plan. These employees are covered by the provisions of the Virginia Personnel Act (Title 2.2, § 2.2-2900 of the Code of Virginia) once they have completed the probationary period. May also include individuals serving in "P-14/WE-14" <b>hourly</b> positions. |
| <b>Agency Manager</b>           | Authorized agency individual who oversees a unit, section, division, or district, program or other recognized organizational unit. This individual is the end user of the contract.  |
| <b>Agency Supervisor</b>        | Authorized agency individual who directly supervises contingent workers such as those provided by a temporary staffing agency.   |

Agencies may engage in a variety of contracts with outside organizations, vendors, and consultants to fulfill organizational needs. One risk involved with a contingent workforce is co-employment. Co-employment occurs when a contingent worker is considered an agency employee for the purposes of employment law and/or taxation.

Another risk involved with a contingent workforce is third party interference. Third party interference occurs when an agency takes actions which could be construed as discriminatory, thus limiting a contingent worker's employment opportunities.

Managers and supervisors are not alone in managing this risk. Your Human Resources and Procurement Offices should partner with one another and management to mitigate risks associated with co-employment.

Federal case law provides examples that indicate the possible risks.

### **National Examples**

#### **Microsoft**

Between 1989 and 1990, Microsoft Corporation was audited by the Internal Revenue Service (IRS) for intentionally misclassifying independent contractors. The IRS found that the workers in question should have been considered employees for FICA, FUTA and other withholdings. Microsoft admitted to wrongly classifying the workers and paid back taxes and overtime.

The story does not end there. The misclassified workers then sued Microsoft for back benefits including 401(k), discount stock purchase, and other benefits provided to Microsoft employees. The Ninth Circuit Court of Appeals upheld a decision in favor of the workers (*Vizcaino v. Microsoft Corp.*, 97 F.3d 1187 (9th Cir. 1996)). In addition to a \$97 million settlement, the U.S. District Court for the Western District of Washington (Seattle) upheld the award of \$27 million in attorneys' fees in this class action case.

#### **Baystate Alternative Staffing**

Another important milestone in the history of co-employment is a landmark decision in December, 2001 by the 1<sup>st</sup> Circuit Court of Appeals. In this decision, the court upheld the Labor Department's policy in the case of *Baystate Alternative Staffing v. Herman*. The Court ruled in favor of temporary employees seeking overtime pay under the Federal Fair Labor Standards Act (FLSA) after the temporary agency that had placed them refused to pay them overtime pay for hours worked over the 40-hour week.

The Court rejected the agency's arguments that the workers were independent contractors of the staffing agency because they had signed contractor agreements stating that they were independent contractors. The court also ruled that the business client was the employer, not the staffing agency.

It is important to note that the Court held that ***temporary employment agencies are employers of the people they recruited and placed for work at client businesses and both the staffing agency and its business client were co-employers under the FLSA.***

This means that even though it was the responsibility of the contractor to pay its workers overtime, the client company would be held responsible and penalized under federal law since they were co-employers.

A well-articulated contract is the fundamental tool in mitigating the risks involved with contingent employment. All agency staff involved in formulating contracts involving contingent workers should be aware that a well-articulated contract clearly spells out the agency's role and the contractor's role in relationship to the contingent worker.

Agency managers should be aware of how the contract articulates employment law requirements so that they have a working knowledge of what is expected of the contractor as well as what is expected of the agency. Well-articulated contracts usually clarify the following employment related issues:

- issuing paychecks
- withholding taxes
- providing required insurance (unemployment, ACA compliant health insurance, etc.)
- interviewing
- assigning and reassigning work
- setting pay rates and benefits; compensation under FLSA regulations; recognition
- negotiating nature of work (duration of assignments, work environment conditions)
- maintaining supervisory responsibilities (how work is progressing, receiving complaints, disciplining)
- evaluating staff performance
- training and development
- workers' compensation
- responsibility for accommodations under ADA
- responsibility for post-FMLA placements of returning workers
- ensuring and documenting eligibility of contingent workers to work in the United States in accordance with immigration regulations
- Ensuring that contingent workers are made aware of policies/procedures applicable to them at their assigned agencies
- Conducting background/reference checks required by the agencies

Well articulated contracts will also address responsibility for not only OSHA standards and other applicable laws, but specifically address responsibilities under employment laws such as the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA), the Immigration Act (i.e. Employment Eligibility), Americans with Disabilities Act (ADA), Patient Protection and Affordable Care Act (PPACA or ACA), and issues such as discrimination and harassment.

### **Family Medical Leave Act (FMLA)**

Under Family Medical Leave Act (FMLA) regulations, contractors are generally considered "primary" employers to the contingent worker. The agency contracting for the service is considered a "secondary" employer to the contingent worker. Primary

employers are responsible for approving FMLA leave and giving FMLA notice to eligible contingent workers, and maintaining their health benefits as well as restoring the employee to his/her job following the leave under FMLA requirements.

As the “secondary employer”, the contracting agency is responsible for accepting the contingent worker back after the family medical leave (as long as the agency continues to use the services of a contingent worker provided by that contractor). This responsibility holds even if it means bumping another contingent worker who replaced the employee on FMLA leave.

The FMLA prohibits an agency from interfering with the contingent worker’s rights under the FMLA. If such interference does occur, the agency could be held liable for violating FMLA under federal regulations (29 CFR 825.106; 825.220.).

### **Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) sets standards for the basic minimum wage and overtime pay, affecting most private and public employment. It requires employers to pay covered employees (who are not otherwise exempt) at least the federal minimum wage. The FLSA also requires overtime payment at time and a half (1½) to covered employees who work more than 40 productive hours in a designated seven-calendar day workweek.

The FLSA also restricts the hours that children under age 16 can work and forbids the employment of children under age 18 in certain jobs deemed too dangerous. The Act is administered by the Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor.

The contractor is responsible for paying the contingent worker’s overtime wages as well as abiding by other FLSA requirements. Agency managers, however, should remain aware of when contingent workers are required to work overtime hours and should contact the agency’s contract administrator handling the contract if he or she becomes aware of situations where overtime has not been paid. Agency managers should also contact the agency’s contract administrator if he or she becomes aware of situations where children under 18 are being employed by contractors.

### **Employment Eligibility**

The Immigration Act requires all employers to complete and maintain a properly executed I-9 form as evidence that its employees have work authorization. Proper documentation establishes both that the employee is authorized to work in the U.S. and that the employee who presents the employment authorization document is the person to whom it was issued.

For the contingent worker, this responsibility rests with the contractor. The contractor should supply to the contingent worker the official list of acceptable documents for establishing identity and work eligibility. A contractor should not continue to employ a contingent worker who cannot present documentation that meets these requirements.

### **Affordable Care Act (ACA)**

The Affordable Care Act (ACA) requires employers to provide health insurance to employees working 30 or more hours per week on average over a twelve month measurement period. The health insurance must meet minimum essential coverage requirements and be affordable to the employee based on a formula that applies to the employee's household income.

If workers are considered to be **common law employees** of agencies, the agencies may be held responsible for compliance with ACA requirements. Common law employee determinations are based on a variety of factors defined by the Internal Revenue Service (IRS) and are categorized into three broad standards:

1. Behavioral: Does the agency control or have the right to control what the worker does and how the worker does his or her job?
2. Financial: Are the business aspects of the worker's job controlled by the payer? (How is the worker paid? Are the worker's expenses reimbursed? Who provides tools/supplies, etc.?)
3. Type of Relationship: Are there written contracts or employee type benefits (i.e., pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a core function of the business?

See Appendix C for more information regarding common law employees.

Agencies contracting for contingent/temporary workers who may be considered common law employees may avoid ACA penalties by paying an extra fee to the contractor to ensure that ACA-compliant health insurance coverage is offered by the contractor to the contingent workers. Contracts must be carefully and comprehensively written to provide this protection. Contracts should also include a provision that the contractor assumes responsibility for ACA required reporting. Agencies opting for a more prudent approach may limit the amount of time that contingent workers work to 29 hours per week on average over a 12 month period.

**Americans with Disabilities Act (ADA)**

Notify Human Resources if accommodations are requested by a contingent worker under the ADA (i.e. special equipment, exceptions to the work schedule for medical/disability reasons, interpreters, etc.).

Generally, Human Resources should refer such requests to the contractor. However, if agency property is involved in the potential accommodation and/or accessibility issues, the contract administrator should be consulted to determine if contract provisions cover this eventuality or if the situation needs to be addressed from a shared cost standpoint.

**Discrimination and Harassment**

An agency must treat the contingent worker assigned to it in a non-discriminatory manner. Executive Order Number 1 (2014) encourages equal opportunity in all facets of state government. This includes maintaining a workplace free of harassment or discrimination based on race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, veterans, or against otherwise qualified persons with disabilities. The Code of Virginia (§ 2.2-3901) also outlines unlawful discriminatory practices.

Federal laws that also prohibit employment discrimination include:

- Title VII of the Civil Rights Act of 1964 (Title VII)
- Equal Pay Act of 1963 (EPA)
- Age Discrimination in Employment Act of 1967 (ADEA)
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA)
- Civil Rights Act of 1991

The Federal Equal Employment Opportunity Commission (EEOC) administers regulations which incorporate and apply co-employment liability when contingent workers bring discrimination claims under the above laws. According to EEOC guidance, a contracting agency must hire and make job assignments in a non-discriminatory manner.

Agency Managers should also avoid becoming third-party interferers by taking actions which could be construed as discriminatory interference in the worker's employment opportunities with the contractor. Agency Managers should consult their agency Human Resource office to address responsibilities and roles related to contingent workers in relation to anti-discrimination law. Agency Managers should promptly report issues of discrimination to their local Human Resource office.

Agency employees should also be encouraged to report any discriminatory incidents that they encounter with contingent workers to their supervisor. Agency employees may also contact their agency Human Resource office directly.

There are a number of best practices that can mitigate the day-to-day risks involved with contingent employment.

***Generally, managers should establish an 'arms-length' relationship between the agency and contingent workers.*** For example, a contingent worker who applies for a state position should be treated the same as any other applicant. They should complete a state application on the Recruitment Management System (RMS) and go through the normal selection process, being interviewed, and completing a new I-9 form. The contingent worker, in other words, should not be treated as if he or she had been working for the agency all along. Other best practices involve Contingent Worker Selection, Training, Pay, and Recognition, as well as discontinuing the use of a contingent worker.

#### **Recruitment and Selection**

***Agency managers should rely on the contractor to recruit contingent workers.*** Whenever possible, the period of time the contingent worker is needed should be specified to the worker at the time of selection. This should be communicated to the worker by the contractor.

Additionally, contingent workers should not serve on interview panels for the selection of classified agency employees. A contingent worker should never directly supervise subordinate agency employees.

#### **Training**

Contingent workers provided by the contractor should have sufficient skill and experience to properly perform the work assigned to them. Workers engaged in special or skilled work should have sufficient experience in the work and in the operation of equipment required to perform effectively.

***To avoid potential co-employment risk, the agency should only fund contingent worker training and development when the training relates to agency-specific systems, processes, or methods or is required by Federal guidelines or other laws.***

Other training needed by a contingent worker, unless agreed upon within the framework of the contract should be provided by the contractor.

- Safety** If a contingent worker who is “supervised” by an agency supervisor or manager is injured, the agency is required by OSHA to record that injury on the agency’s OSHA 300 log, just as it would for an agency employee. Contractors, however, are still required to abide by all applicable workers’ compensation laws and contingent workers injured on the job should use established procedures for reporting accidents to their employer, the contractor.
- Investigations** When situations arise between contingent workers, and it is clear the situations do not involve the agency or there could be no perception that the agency is involved, the contractor should be allowed to conduct its own investigation. This applies to situations that involve only contingent workers.
- When situations involving contingent workers arise where the contingent workers could be perceived as agency employees or the agency could be impacted by the actions of the workers, the agency should consult with the Office of the Attorney General (OAG) to determine who should conduct the investigation.
- Pay and Recognition** ***It is the responsibility of the contractor to determine pay rates and when pay raises are appropriate for contingent workers with input from the agency, if requested, or as part of the contract award process.*** Managers and supervisors should avoid communicating directly with specific contingent workers regarding pay or recognition in order to minimize the risk of co-employment.
- Contract employees/contingent workers do not qualify for monetary or non-monetary awards funded by the agency. Any decisions related to recognition awards for contingent workers should be determined by the contractor rather than the agency. Contract/contingent workers should not attend agency recognition events unless the contractor is presenting contractor recognition awards separately at the same event.

- Performance and Discipline** The agency should hold the contractor responsible for failure to address performance problems that impact contract performance. However, ***contingent workers are employees of the contractor. The agency does not have responsibility for addressing performance deficiencies or for disciplining specific workers.*** If a situation does arise where a specific contingent worker is not performing the essential functions of the job or if there is some other behavioral problem, the agency manager or supervisor should address those specific concerns within the terms of the contract. Generally, the contractor should determine whether a particular employee should be re-assigned or take whatever steps they feel is necessary to address the problem. Incidents that involve both contingent workers and agency employees should be reported to the agency HR office.
- Discontinuation** Unless there is an immediate safety concern, managers should rely on the contractor to communicate the end of a work assignment to a contingent worker. The agency manager must have a non-discriminatory reason for asking that the individual be removed. Allegations or issues should be presented to the contractor to investigate and to provide due process to the contractor's employee. Once a contingent worker is no longer assigned to work performed for the agency, agency managers should not provide reference information regarding the individual's performance. Inquiries of that nature should be addressed to the contractor.
- References and Background Checks** Employment references, financial references, and other types of background checks on a contingent worker should not be addressed by the agency. Instead, reference and similar types of information should be provided by the contractor. In situations where state code requires specific references or prohibits employment of workers having certain conviction records, those stipulations should be included in the contract with the vendor and the vendor must confirm that the contract/contingent worker meets the requirements.

Agency managers and supervisors should have a basic understanding of the provisions of the contract in relation to their role. They should also have an awareness of who the contract administrator is and how to contact the administrator.

To address risk most effectively, it should be determined if the risk arises from the provisions of the contract, such as missing elements of a contract that do not clarify the roles and responsibilities of the parties relative to the contingent workers, or if the risk arises from management practices.

If a risk should arise as a result of the provisions of the contract, agency managers should work with procurement staff to determine if the provisions of the contract can be amended or otherwise altered such that the risk is sufficiently mitigated.

If a risk should arise as a result of management practices, agency managers should work through their chain of command, in consultation with Human Resources, to address those practices which may be contributing to risks associated with the contingent workforce.

In summary, it is advised that agency managers and supervisors:

- hold contractors accountable for managing their own workforce
- avoid illegally interfering with the contractor's workers employment opportunities and
- facilitate, to the extent that they can, the enforcement of the terms of the contract.
- report documented concerns regarding compliance with the contract terms to the contract administrator.

Contact your agency HR and procurement offices should you have questions concerning contingent workforce risk management.

## APPENDIX A: Contingent Worker HR Management Quick Reference Guide

| Do...   | Don't...  |
|---|---|
| Know your facts when asking that a contingent worker be discontinued. Use Human Resources staff to assist in situations when a specific contingent worker is being asked not to return to an agency job site. | Ask the contractor to remove a contingent worker unless in circumstances where there is an immediate threat to safety. <b>Do</b> discuss with the contractor performance/behavioral issues observed. The contractor (not the agency) must move/remove the worker. |
| Communicate circumstances where the contractor is not performing to the level outlined in the contract to the administrator handling the contract.  | Discipline a contingent worker directly or single out an individual contingent worker for discipline unless the worker is involved in an incident that requires immediate agency management intervention.   |
| Communicate with the contractor when you would like to recognize a contingent worker and allow the contractor to choose and deliver the recognition.  | Use formal agency recognition for contingent workers.   |
| Rely on the contractor to recruit and assign contingent workers to a project or facility.   | Interview potential contingent workers.   |
| Provide training to contingent workers only when the training is agency-specific or safety-related. Other training needs should be specified in the contract and provided by the contractor.                  | Provide developmental opportunities to contingent workers, unless the training is agency-specific or safety-related and the agency directly supervises the contingent worker.   |
| Refer all reference requests for a former contingent worker to the contractor.  | Respond directly to inquiries for a reference on a former contingent worker.  |
| Ensure that the period of time the contingent worker is needed is communicated to the worker by the contractor, if applicable.  | Discontinue use of the contingent worker when their work is no longer needed. (The contractor should communicate this to the worker.) Provide written explanation to the contingent worker for their discontinued use.  |
| Ensure that you have read and understand the terms of the contract as it relates to the contingent workers that you oversee.  | Assume that all contracts are alike.  |
| Work through the contractor's representative for matters that relate to the contractor's workers.   | Take unilateral personnel actions acting on behalf of the worker's employer.  |
| Focus on job-related attributes and specific skills needed when requesting a contingent worker from a temporary staffing agency.  | Make references to attributes that are not related to the job, such as race, sex or other physical attributes.  |

## **APPENDIX B: Contingent Worker HR Management FAQs**

### **Frequently Asked Questions**

#### **1. Are inmates considered contingent workers?**

No. They are wards of the Commonwealth of Virginia supervised under the Penal code. Federal employment laws do not apply.

#### **2. I am required to report injuries on the OSHA 300 report. The contractor denies anyone has been hurt, but I have proof that is not the case. What is the best way to get this information from the contractor on one of his employees?**

Verbally address the issue with the contractor first. If you do not get a reply, the next step is a written request reaffirming the contract stipulation to follow contract guidelines.

#### **3. Is it my responsibility to get a signed statement from all contingent workers that they have received all the agency's policies?**

Follow the procedures outlined in the contract. Overall, this should be designated as the responsibility of the contractor. It is recommended that the contractor be required to submit their policies to the contract administrator to ensure that policies, such as those pertaining to EEO, are consistent with agency policy. DHRM policies that require contractor compliance are:

- 1.05, Alcohol & Other Drugs
- 1.75, Use of Electronic Communications & Social Media
- 2.30, Workplace Harassment

Individual agencies may have additional policies/procedures that address safety, residential care, use of state equipment/vehicles, or other mission related responsibilities.

#### **4. A contract employee was injured and returns to work a few days later. In observing his performance, he is asking other contract employees to pick up items. He tends to move slowly. I ask the contractor if the employee was cleared to return to work by a physician. He tells me to mind my own business. This employee is endangering my crew. What are my options?**

Notify the contractor of the danger. Under circumstances where there is a clear, imminent safety issue agency managers may notify the contract administrator and contractor that you will have to shut down the work if the injured worker remains on the job and presents a danger.

**5. There is a rumor going around that the contractor is using undocumented workers. One of my employees is fluent in their native language and validates that they are illegal. What are my options?**

Work through the contract administrator to remind the contractor of obligations under Federal guidelines. Document to whom and when you advised the contractor.

**6. I am an agency manager. I observe that two temporary service clerical workers routinely work more than 40 hours weekly. One of them applies for a job and I interview him. He tells me he wants to work for my agency because we pay overtime. He tells me he is required to work 50 hours a week for a flat salary and doesn't receive overtime pay. My HR Office just conducted a class and explained the Fair Labor Standards Act (FLSA). I know the contractor is breaking the law. What are my options?**

Work through the contract administrator to remind the contractor of their obligations under the FLSA. Document to whom and when you advised the contractor.

**7. An agency Manager wants to know if a 1500 hour wage employee can work with a contractor for a few months until she is eligible to work another 1500 hours.**

Situations of this type should be evaluated by the agency Manager, in consultation with Human Resources on a case by case basis. In order to abide by the spirit of the 1500 rule and to mitigate liability under the ACA, the wage employee should not be brought back to work for the agency as a contingent worker in the same capacity (with the same duties) that they left as a wage employee.

**8. Can an agency employee leave and come back to work for the agency as a contingent worker?**

Generally, yes. However, if the employee has retired, he or she should contact the Virginia Retirement System to ensure that they are still eligible for retirement benefits upon returning to work and that (s)he has met the bona fide break in service requirement. ACA requires a lengthier break in service than VRS does. Consult with your agency HR Office.

**9. Can an agency employee work a second job as a contingent worker assigned to the agency?**

This situation should be handled using procedures contained in the agency's policy on outside employment. If the employee is salaried and offered health insurance, there may be no implications for ACA compliance. However, if the employee is a part-time or

wage employee, and the contingent work constitutes enough hours to exceed the 29 hours per week on average over a 12 month period, ACA liability may convey.

FLSA overtime rules may also apply in certain circumstances. Consult with your agency HR office before advising an employee or entering into such an arrangement.



F. Can the Agency terminate the worker at will?

|    |     |
|----|-----|
| 1  | 5   |
| NO | Yes |

G. May the worker quit without incurring any liability?

|    |     |
|----|-----|
| 1  | 5   |
| NO | Yes |

**If the answers to D through G above result in a score that is greater than 26, it is likely that the individual is a common law employee of the Agency and there is no need to proceed. If the results are lower than 26, then it is necessary to answer the remaining questions in this checklist.**

*Category 2—Behavioral Control*

H. Is the worker required to follow a regular routine or schedule?

|    |   |   |   |     |
|----|---|---|---|-----|
| 1  | 2 | 3 | 4 | 5   |
| NO |   |   |   | Yes |

If 3 or more  
Is the schedule:

|                                    |   |   |   |  |
|------------------------------------|---|---|---|--|
| 1                                  | 2 | 3 | 4 | 5                                      |
| Dictated by<br>workplace<br>access |   |   |   | Dictated by Agency<br>need for control |

I. Does the Agency require work to be performed on site?

|    |   |   |   |     |
|----|---|---|---|-----|
| 1  | 2 | 3 | 4 | 5   |
| NO |   |   |   | Yes |

If 3 or more  
Requirement dictated by:

|   |   |   |   |                              |
|---|---|---|---|------------------------------|
| 1   | 2 | 3 | 4 | 5                            |
| Need to access<br>Agency property<br>or equipment |   |   |   | Need for<br>Agency oversight |









