

Frequently Asked Questions for Contract Compliance

Your guide to preventing and identifying sexual harassment in the workplace

QUESTION: What happened to the "Independent Contractor Policy Acknowledgement" form and the "Independent Contractor Waiver" form that were previously located on the HR Toolkit section of the Sexual Harassment Prevention webpages?

ANSWER: The DOAS Human Resources Administration Division worked with the DOAS State Purchasing Division to develop model contractual language to address the requirements for independent contractors under the Statewide Sexual Harassment Prevention Policy.

Under the model contract provision, Contractors (and any applicable employees or subcontractors) certify that either they will receive sexual harassment prevention training on an annual basis or will take the DOAS developed training on an annual basis. The model language also requires Contractors to certify that employees who will regularly be on agency premises and/or regularly interact with agency personnel receive and acknowledge the Statewide Sexual Harassment Prevention Policy.

Additionally, the Contractor is responsible for collecting and maintaining the policy acknowledgement and ensuring receipt of training. Therefore, the template "Independent Contractor Policy Acknowledgement" and "Independent Contractor Waiver" forms (initially posted in the HR Toolkit) are no longer needed. The model contract provision can be taken from the SPD Amendment and Renewal Templates on this page: <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/state-contract-resources>

QUESTION: If a Contractor is part of a statewide contract, does the agency have any responsibility to collect the acknowledgement and/or waiver forms? Also, how should agencies handle documentation for non-statewide contracts once the template language has been added? Where do you recommend the acknowledgement forms be maintained – with contract documentation (or HR)?

ANSWER: Under DOAS's model contract provision, the Contractor is responsible for collecting and maintaining the policy acknowledgement and ensuring receipt of training. Therefore, once the contract provision is incorporated into the contract (either as an original provision of a new contract or via contract amendment for existing contracts), no additional documentation is required to be collected or maintained by the state agency. DOAS is negotiating the incorporation of the model contract provision into statewide contracts, as necessary.

QUESTION: When does DOAS recommend that contracts be amended to include the model contract provision?

ANSWER: The contract renewal period is an ideal time to incorporate the model contract provision into any current contracts. However, if the contract renewal has already occurred or is not occurring for an extended period of time, DOAS recommends incorporating the model contract provision utilizing a contract amendment rather than waiting for the renewal period to occur.

QUESTION: What should state entities do to address the requirements of the Statewide Sexual Harassment Prevention Policy for contracts of currently open solicitations and recently closed solicitations?

ANSWER: For open solicitations that fall within the requirements of the Statewide Sexual Harassment Prevention Policy, SPD recommends amending the solicitation to incorporate the model language by posting an updated contract template. You may use one of SPD's recently updated contract templates that include the model language or post a revised version of the state entity's preferred contract template with the model language inserted. If the solicitation has closed but has not been awarded, SPD recommends adding the model language to the state entity's contract with the supplier prior to sending to the supplier for signature.

QUESTION: Does the policy only apply to Contractors on State premises?

ANSWER: The Policy applies to contractors who regularly interact with your entity's employees, as well as contractors who are regularly on agency/entity premises.

QUESTION: Is it the responsibility of DOAS to ensure that any statewide contract vendor is compliant?

ANSWER: DOAS will be engaging statewide contractors to incorporate the model contract provision into statewide contracts, as necessary.

QUESTION: Does independent contractor mean an individual (i.e., employee of a staffing service)?

ANSWER: Independent contractor in the context of the Statewide Policy could mean an individual who contracts with the agency or a business which contracts with the agency that assigns employees which are regularly on agency premises or regularly engages with agency employees. DOAS's model contract provision addresses both scenarios.