



**DJJ - General Information Sheet
01/2013**

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. OPS employees are at-will employees and are subject to actions such as pay changes, changes to work assignment, and terminations at the pleasure of the agency head or designee.

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 agency in the People First system, in accordance with Section 110.131(2) (a), 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 one-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.

WHAT BENEFITS ARE APPLICABLE TO OPS EMPLOYEES?

- State of Florida 401(a) FICA Alternative Plan – mandatory (See page 2 of this Information Sheet for more information about the FICA Alternative Plan)
- Workers' Compensatory – mandatory
- Reemployment Assistance (Unemployment Compensation) – mandatory
- Deferred Compensation – voluntary
- Employee Assistance Program – voluntary
- Participation in state group insurance

As a result of the Affordable Health Care Act, the State of Florida is implementing "affordable" benefits for OPS employees effective January 1, 2014. The Department of Management Services (DMS)/Division of State Group Insurance (DSGI) developed Frequently Asked Questions (see the attached) to provide you with up-to-date information such as which employees are considered "eligible", the different types of insurance that can be obtained through the State Group Insurance Program, defines the measurement period, and most importantly the cost.

If you should decide that although you are eligible for benefits but wish to decline coverage, please complete the attached opt-out form and return to the Bureau of Human Resources.

WHAT BENEFITS ARE NOT APPLICABLE TO OPS EMPLOYEES?

- Any form of paid leave
- Paid holidays
- 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

STATE OF FLORIDA 401(a) FICA ALTERNATIVE PLAN FOR OTHER PERSONAL SERVICES (OPS) EMPLOYEES

The State Personnel System sponsors a qualified retirement plan for temporary or seasonal OPS employees, whether full-time or part-time. This is a mandatory plan that meets all federal requirements to be an alternative to Social Security coverage while in OPS employment. Unless the OPS employee meets the criteria for exemption from participation, they will be automatically enrolled upon hire.

HOW DOES THE PLAN WORK?

- OPS employees are not subject to Social Security taxes while covered by this plan. (However, you do participate in Medicare coverage, so they are still subject to Medicare taxes.)
- OPS employees contribute to this plan with pre-tax money. They pay taxes on their contributions or earnings only when they withdraw them.
- OPS employees make contributions to an individual account in their name, which is updated daily. Only they (or their designated beneficiary) can receive distributions from this account.
- If OPS employees leave a position covered by this plan for any reason, they have several distribution options, such as taking a lump sum withdrawal of their account balance (subject to normal taxes and, if applicable, withdrawal penalties); continuing to save the accumulated funds for retirement purposes; or rolling their monies into another qualified tax deferred plan.

HOW IS THE PLAN ADMINISTERED?

- BENCOR, Inc. is the plan administrator and the Department of Financial Services, Office of Deferred Compensation manages the state's contract with BENCOR, Inc.
- BENCOR, Inc. uses Diversified Investment Advisors and Transamerica Financial Life Insurance Company to provide investment choices which participants control. BENCOR

Administrative Services will automatically place all contributions in the Guaranteed Pooled Account for participants who decide not to choose their investment funds.

- The [State of Florida FICA Alternative Plan Enrollment Form with Plan Brochure](#) has information on the different investment options that are available and contains the form that participants need to complete in order to designate a beneficiary and choose their investment funds. The beneficiary designation on this form should be completed and returned directly to BENCOR, Inc., even if no investment choices are made. The State of Florida FICA Alternative Plan Enrollment Form with Plan Brochure can also be accessed at:
http://www.dms.myflorida.com/human_resource_support/human_resource_management/other_personal_services_employment_ops
- BENCOR, Inc. sends an annual statement for each calendar year the employee is in the plan.
- **Customer Service: BENCOR Administrative Services, toll-free at 1-888-258-3422.** This phone line is staffed Monday through Friday, from 8:30 a.m. to 5:00 p.m. (EST). Additional account information and online services are available on the BENCOR website at www.bencorplans.com.

WHO IN OPS EMPLOYMENT IS NOT COVERED (EXEMPTIONS)?

OPS employees are mandatorily exempt from this plan if they are fully eligible for, or have already started receiving, Florida Retirement System (FRS) benefits from other covered employment or if they are dually employed in an FRS-covered position. Such OPS employees will participate in Medicare only, in accordance with federal law.