

Garten 0271 (5 total)

Janet Yandik [JYandik@AbilityOne.gov]

From: Jeremy Morgan [jmorgan@garten.org]
Sent: Wednesday, February 20, 2008 1:48 PM
To: rulescomment
Subject: Federal Register Comments
Attachments: Garten Services Federal Register Notice Response.pdf; Garten Compliance Acct.pdf

Hello, I'm not sure if an earlier email went through or not. This is a reply to the December Federal Register notice asking for feedback about compliance paperwork. Thank you,

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Serving people with disabilities in the Willamette Valley since 1970

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0271

Garten Services, Inc.
PO Box 7310
Salem, OR 97303

February 14, 2008

**TO: Janet Yandlik, Information Specialist
Committee for Purchase form People who are Blind or Severely Disabled**

FROM: Garten Services, Inc.

RE: Comments on Notice

This memo is in response to the Notice from The Committee for Purchase from People Who are Blind or Severely Disabled published in Federal Register, Vol. 72, No. 245 requesting comments on Nonprofit record keeping requirements per the provisions of the Paperwork Reduction Act. We appreciate the opportunity to give you feedback.

Estimated time required to perform tasks and prepare related documentation/paperwork:

Task	Estimated Time	Est Yearly
Initial eligibility determination for new employees	(assumes 20% turnover)	160
Maintain a file on each employee documenting their disability and competitive employability	Annual review per employee	3 hrs 300
	Ongoing case notes/assessment	8 hrs 800
	Filing	2 hrs 200
Determine direct labor composition (%) of each position	Biannual review of each position	4 hrs 200
	New positions (est 5 per yr)	8 hrs 40
Track direct and indirect labor hours for all products/services (not just those in the program), per project, per employee	4 hours per payroll, 3 payrolls per mo	144
Compile direct and indirect labor hours and revenue per project, per quarter; other workforce data (quarterly NISH reporting)	5 hours per qtr	20
SCA compliance: leave, holiday, hourly pay and health & welfare benefits per employee per month for all employees on federal projects	3 hrs per mo (we have <u>much</u> fewer than 100 employees on federal projects)	36
Application process for DOL 14c certificate	4 hours annually	4

Annual prevailing wage survey	8 hours per job title (6 titles)	48
Establish productivity standards	3 hours per new jobs (approx 4 per year)	12
	30 minutes per job per year for review (48)	24
Individual employee productivity time studies	1 hour per employee every 6 months	200
Total per 100 employees with disabilities		2188

This extensive documentation of regulatory compliance, and the specialized nature of the regulations requires Garten to employ a full-time compliance specialist. A job description is attached. Much, but not all, of the work above is performed by this position. Some of the tasks are done in payroll and some must be completed by employees that are directly training and supervising the disabled employees.

We would like to mention that there are a number of conflicts between federal and Oregon state regulations over some areas. Garten does not only do business on federal projects. We have state and private customers as well.

- Federal regulations require reporting direct/indirect labor hours and ratios by hours paid, while state regulations require hours worked.
- Federal reporting includes agency temps employed, while state reporting does not.
- There are a number of differences in the basic definition of what direct labor does and does not include between federal and state regulations.

These conflicts create difficulties with compliance to two distinct sets of regulations. Some of the work listed above must be performed in duplicate as two complete sets of documentation on direct labor need to be kept for reporting to two different regulatory agencies.

Also, federal projects require using federal wage determinations. We have a number of employees that work on multiple federal and non-federal projects on a daily basis. This requires tracking of time worked per project per person in order to pay appropriate wage rates. There is also a fringe benefit difference for federal and non-federal projects. It is often difficult to document so much detail per employee in order to stay in compliance with federal regulation, state regulation and company policy.

We have read the response by the National Council of Work Centers and particularly like two of their recommendations for reducing the paperwork burden:

- Allow individuals with life long conditions to establish eligibility once and as long as their condition stays the same, not require annual recertification assessments. As an example: A moderately Mentally Retarded (Intellectually Challenged) worker could qualify on entry and not need to be recertified annually, just an annual statement, internal to the NPA, that the disability is still present, and they qualify for the AbilityOne program.
- Allow presumptive eligibility for workers with disabilities that qualify for SSI and SSDI and not require initial and annual assessments.

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GARTEN SERVICES, INC.
Positive Options for People

By optimizing the capabilities of all our employees, we will be the premier Oregon organization that successfully and consistently assists people with a wide range of disabilities to find and retain employment in diverse, prosperous Garten enterprises and in other successful businesses.

POSITION DESCRIPTION

Title: Compliance Accountant

Department: Administration

Exempt/Nonexempt: Nonexempt

Reports to: Accounting Manager

Pay Grade: 6

Effective Date: 7/1/02; rev 2/03; 1/07

New Position ()

Position change ()

General Position Summary:

Responsible for performing all functions related to work standards and timings used to determine accurate payment of commensurate wages to people with disabilities.

Essential Functions/Major Responsibilities:

- Develops and maintains work standards for all production areas.
- Develops and maintains all timings for individuals paid in compliance with rates established under the productivity pay system.
- Maintains compliance with DOL regulations to ensure appropriate subminimum wage records and payment.
- Ensures accurate federal and state reporting quarterly and annually (NISH).
- Ensures accurate MODAPT applications as required by law.
- Performs annual prevailing wage survey as required by law.
- Provides input to program services and production regarding labor law compliance.
- Makes recommendations for system improvements and changes.
- Provides excellent customer service.
- Ensures excellent communication occurs between the businesses and program services regarding compliance issues.

Secondary Functions:

- Provides coverage of other accounting and/or human resources functions as needed.
- Provides input on ways the organization can create integrated employment opportunities for people with disabilities.
- Attends meetings and participates on committees/teams as assigned.
- Performs other related duties as assigned.

Job Scope:

Performs duties independently with minimal supervision, operates from specific and definite directions and instructions. Decisions are made within general company policy constraints but may occasionally require independent decision making. This position provides input concerning long-range operational planning for accounting.

Mistakes/errors affecting accurate payment of wages may cause internal customer dissatisfaction, and inaccurate reports being filed which could result in improper tax payments, loss of federal and state contracts, and adversely impact the public image of the company. Fines would be incurred if commensurate wage laws are violated and could impact Garten being granted a certificate to pay subminimum wages.

Supervisory Responsibilities:

This position is supervisory to the extent that daily work direction may be provided to personnel in subordinate positions.

Interpersonal Contacts:

Internal contacts may occur with anyone in the company as well as with own department staff and supervisor. The most frequent external contacts are with regulatory agencies. The types of interactions, for both internal and external contacts, may be non-routine and usually involve problem solving and information exchange.

Both internal and external contacts are usually made at the employee's own initiative with 10% of the contacts being over the phone and 90% face to face. All contacts are with internal or external customers. Contacts frequently contain confidential/sensitive information and require discretion at all times.

Specific Job Skills Required:

- Ability to use spreadsheet and accounting software proficiently.
- Ability to research, interpret, and develop new procedures in accordance with everchanging state and federal regulations.
- Creative ability to "think outside the box" in establishing work standards, while ensuring they are in compliance with regulatory requirements
- Ability and knowledge to streamline required reports as technology and regulations change.
- Working knowledge of basic accounting procedures.
- Proficiency at data entry and calculator operation.
- Attention to detail and accurate data transfer skills.
- Excellent interpersonal, communication, and customer service skills.
- Mental ability to perform advanced math.
- Organization and time management skills are essential.
- Ability to actively participate in team development and team-oriented processes and motivate others to do the same.
- Ability to read, write, speak, and understand English.
- Valid ODL, acceptable driving record, and proof of current vehicle insurance.
- Physical ability to sit for extended periods of time, handle and make repetitive motions of the hands/wrists/arms.

- Physical ability to lift up to 40# occasionally during work day.
- Physical ability to stand for long periods of time during work day.
- Physical ability to push/pull up to 2000# with a pallet jack occasionally.

Education and/or Experience Required:

- A minimum of 1-2 years experience in general accounting work on a computerized system, with experience in payroll accounting a plus.
- A minimum of 2 years higher education and/or vocational training specializing in general accounting functions.
- Additional years of experience specializing in general accounting may substitute for additional educational/vocational training.

Job Conditions:

This position requires the incumbent to work in an environment where there may be building temperature fluctuations, dust, dirt, odors, fumes, heavy equipment operation, noise, outdoor weather, biohazards, and/or poorly ventilated and lighted areas. Other working conditions may include: frequent interruptions; pressure because of deadlines; working alone; working flexible work hours; working some evening hours; working additional hours during audit(s); occasional equipment/forklift operation; extensive computer and detail work; exposure to aggressive/agitated individuals.

Incumbent/Employee Approval

Date: _____

Department Manager Approval

Date: _____