

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is between the Department of Administration (DOA) and the Department of Corrections (Agency).

### **I. Purpose of MOU.**

The purpose of this MOU is to address two issues that arise from engaging contracted temporary workers and other service contractors. The first issue involves enforcement of a provision in the State Procurement Bureau's (SPB) Temporary Worker Services Term Contract limiting the temporary worker to 480 hours in a position. The second concerns implementing the federal Patient Protection and Affordable Care Act (ACA) with service contractors that provide workers whose work is directed and controlled by Agency management or employees. Service contractors include those who work under the Temporary Worker Services Term Contract and any other contract for services where the Agency directs and controls the work of the contracted worker. While many of these contracts are managed by SPB, the Agency may have smaller-value contracts with service contractors. These issues are described in more detail in Attachment 1.

### **II. Limit of Hours Worked.**

The Agency shall limit the hours of a temporary worker to 480 hours for a single position placement. SPB contract manager shall contact the Agency when the temporary worker has worked approximately 400 hours so the Agency may prepare to accomplish the work without the temporary worker. The Agency may not transfer the temporary worker to another position without working through the temporary services contractor.

### **III. The ACA and Employment Services Contracts.**

The Agency shall include in its service contracts provisions stating that the Contractor is the employer and requiring the contractors to provide healthcare benefits, if contractor is an applicable large employer under the ACA, to their employees who perform services for the Agency and whose work is under the Agency's direction and control. Specifically, the provisions must require: (1) healthcare coverage for workers who work for more than 29 hours a week and their dependents under age 26; and (2) that the coverage for those workers provide minimum essential coverage that is affordable and provides minimum value, according to the ACA. Further, the Agency shall also verify, in writing, annually, with the contractor that the contractor continues to comply with the ACA.

**IV. Notice of Using the Temporary Worker Services Term Contract.**

The Agency shall instruct all persons using the Temporary Worker Services Term Contract and other service contractors that the Agency Human Resources office must be notified before engaging any temporary workers.

**VI. Term.**

This MOU is effective on the last date of signature and remains in effect until terminated by either party upon providing the other 30 days' written notice of the termination.

**VII. Amendment**

This MOU may be amended only if done in writing signed by authorized representatives of DOA and the Agency.

Dated: \_\_\_\_\_

11/7/14

DEPARTMENT OF ADMINISTRATION

  
\_\_\_\_\_  
Director

DEPARTMENT OF CORRECTIONS

  
\_\_\_\_\_  
Director