## SENATE BILL REPORT SB 5259

As of January 19, 2001

**Title:** An act relating to temporary services agencies.

**Brief Description:** Protecting temporary workers.

Sponsors: Senators Fairley, Prentice, Winsley, Costa, Kline, Patterson, Constantine,

Kohl-Welles, Spanel, Jacobsen and Gardner.

**Brief History:** 

Committee Activity: Labor, Commerce & Financial Institutions: 1/18/01.

## SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Staff: Jack Brummel (786-7428)

**Background:** One hundred thirty-five thousand workers in Washington, more than 4 percent of the state's working population, work through temporary service agencies. In general, temporary workers earn less and have access to fewer benefits than traditional full-time employees.

The state's unemployment insurance statute currently defines temporary services agencies as those engaged in the business of furnishing individuals to perform services on a part-time or temporary basis for a third party and specifies that such service is employment for the agency when the agency is responsible for the payment of wages for the services. The state's industrial welfare statute does not address the obligations of temporary services agencies nor the rights of their employees.

Violation of a current wage, hour and working condition law is a misdemeanor punishable by a fine of from \$25 to \$1,000. Discriminating against employees testifying in enforcement proceedings related to wage, hour, and working condition laws is a misdemeanor punishable by a fine of from \$25 to \$100.

**Summary of Bill:** Temporary services agencies must provide information on new job assignments to employees, including job descriptions, rate of pay, work schedules, and health or safety hazards, as well as written notification of the rate of payment made to the agency. Agency employees must receive from the agency information on employment laws and how to handle discrimination or health and safety violations in the workplace. Agencies must ensure the provision of safety training and safety equipment. Agencies may not prohibit

employees from taking a job with the firm where they are placed, nor may they restrict the right of clients to offer permanent employment to agency employees. Neither may agencies discriminate against employees for taking or looking for permanent work, nor charge any employee for payment in cash or for cashing a check or voucher from the agency.

Employees of temporary services agencies may refuse job assignments without reprisal when the job would expose them to danger, require too much travel, or cause them to cross picket lines or work as a replacement worker during a strike. They may also refuse if they are inadequately trained, receive too little pay, receive too little notice prior to the expected start date, or are expected to work hours incompatible with available child care.

The Director of the Department of Labor and Industries must investigate complaints, and if a violation of obligations or rights established in the bill are found, the director must notify the violator after a first violation, and if it is a second violation within five years of the first, or if it is taking some action against an employee for making a complaint regarding a violation, the agency is assessed a fine of at least \$1,000. Any fine set in excess of \$1,000 is set by the director in consideration of any previous history of violations. Employees may bring civil actions for violations and recover \$5,000 and attorneys' fees.

The fine for violation of wage, hour and working condition laws, including the terms of this bill, is increased to a range from \$500 to \$2,000. The fine for discriminating against employees testifying in enforcement proceedings related to wage, hour, and working condition laws, including the terms of this bill, is increased to a range from \$500 to \$2,000.

Appropriation: None.

**Fiscal Note:** Requested on January 18, 2001.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.