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HOUSE BILL 3355

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State of Washington                      60th Legislature                      2008 Regular Session  
By Representatives Jarrett and Anderson

1            AN ACT Relating to personal services for a services referral  
2 agency; and amending RCW 50.04.245.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 50.04.245 and 2007 c 146 s 14 are each amended to read  
5 as follows:

6            (1) Subject to the other provisions of this title, personal  
7 services performed for, or for the benefit of, a third party pursuant  
8 to a contract with a temporary staffing services company or services  
9 referral agency constitutes employment for the temporary staffing  
10 services company or services referral agency when the agency is  
11 responsible, under contract or in fact, for the payment of wages in  
12 remuneration for the services performed. Personal services for a  
13 services referral agency that meet the exception tests under RCW  
14 50.04.140 shall not be considered employment under this section.

15            (2) The temporary staffing services company or services referral  
16 agency is considered the employer as defined in RCW 50.04.080.

17            (3) For the purposes of this section:

18            (a) "Temporary staffing services company" means an individual or  
19 entity that engages in: Recruiting and hiring its own employees;

1 finding other organizations that need the services of those employees;  
2 and assigning those employees on a temporary basis to perform work at  
3 or services for a client to support or supplement the client's work  
4 forces, or to provide assistance in special work situations, such as  
5 employee absences, skill shortages, and seasonal workloads, or to  
6 perform special assignments or projects, all under the direction and  
7 supervision of the client. "Temporary staffing services company" does  
8 not include professional employer organizations as defined in RCW  
9 50.04.298, permanent employee leasing, or permanent employee placement  
10 services.

11 (b) "Services referral agency" means an individual or entity other  
12 than a professional employer organization as defined in RCW 50.04.298  
13 that is engaged in the business of offering the services of one or more  
14 individuals to perform specific tasks for a third party.

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