

An Act

ENROLLED SENATE
BILL NO. 5

By: Stanislawski of the Senate

and

Watson of the House

An Act relating to temporary help firms; amending 40 O.S. 2011, Section 2-404.1, which relates to leaving work voluntarily of temporary employee; defining terms; stating conditions for leaving work voluntarily; requiring copy of certain written obligations affecting unemployment benefits; providing an effective date; and declaring an emergency.

SUBJECT: Temporary help firms

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-404.1, is amended to read as follows:

Section 2-404.1. A. For the purposes of this section:

1. "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's work force in work situations such as employee absences, temporary skill shortages, seasonal workloads and special assignments and projects; ~~and~~

2. "Temporary employee" means an employee assigned to work for the clients of a temporary help firm; and

3. "Good cause" means a reason that is significant and would compel an average reasonable worker, who would otherwise want a

suitable job assignment with a client of the temporary help firm, to fail to contact the temporary help firm, to refuse an offered assignment, or to be unavailable for assignment; and

4. "Suitable job assignment" means work, either full-time or part-time for one or more days or portions thereof, that is in keeping with the education, training, experience, and ability of the individual to perform.

B. A temporary employee of a temporary help firm will be deemed to have left his or her last work voluntarily without good cause connected with the work if the temporary employee ~~does~~:

1. Does not contact the temporary help firm for reassignment on completion of an assignment. A The temporary help firm shall establish the manner for a temporary employee to communicate that his or her assignment has ended and that he or she is available for reassignment at any time;

2. Refuses a suitable job assignment, without good cause;

3. Communicates his or her decision to cease seeking assignment for any period of time;

4. Becomes unavailable to accept a suitable job assignment, without good cause; or

5. Accepts employment with a client of the temporary help firm.

On and after the effective date of this act, the provisions of this subsection shall apply only if the temporary employee will not be deemed to have left work voluntarily without good cause connected with the work unless the temporary employee has been advised of the obligation to contact the temporary help firm on completion of assignments and obligations and been provided a copy of a separate document written in clear and concise language that states the provisions in this section and that unemployment benefits may be denied for failure to ~~de se~~ comply.

C. For the purposes of the Employment Security Act of 1980, the temporary help firm is deemed to be the employer of the temporary employee.

SECTION 2. This act shall become effective July 1, 2013.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 26th day of February, 2013.

Anthony Sykes
Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2013.

Jeffrey W. Huffman
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th
day of April, 20 13, at 1:15 o'clock P M.

By: Audrey Koczwel

Approved by the Governor of the State of Oklahoma this 22nd
day of April, 20 13, at 3:20 o'clock p M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22nd
day of April, 20 13, at 4:30 o'clock P. M.

By: Anthony P. Parrino