

1 **SENATE FLOOR VERSION**

2 February 7, 2013

3 As Amended

4 SENATE BILL NO. 5

By: Stanislawski of the Senate

and

Watson of the House

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

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

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

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

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

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

1 3. "Good cause" means a reason that is significant and would
2 compel an average reasonable worker, who would otherwise want a
3 suitable job assignment with a client of the temporary help firm, to
4 fail to contact the temporary help firm, to refuse an offered
5 assignment, or to be unavailable for assignment; and

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

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

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

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

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

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

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & COMMERCE, dated 2-7-13
19 - DO PASS, As Amended.
20
21
22
23
24