

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2914

By: Brumbaugh

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6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,
8 Section 2-404.1, as amended by Section 1, Chapter
9 105, O.S.L. 2013 (40 O.S. Supp. 2013, Section 2-
10 404.1), which relates to the Employment Security Act
of 1980; requiring certain time period for temporary
employees to be considered unemployed; and providing
an effective date.

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

14 SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-404.1, as
15 amended by Section 1, Chapter 105, O.S.L. 2013 (40 O.S. Supp. 2013,
16 Section 2-404.1), is amended to read as follows:

17 Section 2-404.1 LEAVING WORK VOLUNTARILY OF TEMPORARY EMPLOYEE.

18 A. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

2 On and after the effective date of this act, the provisions of
3 this subsection shall apply only if the temporary employee has been
4 advised of the obligations and been provided a copy of a separate
5 document written in clear and concise language that states the
6 provisions in this section and that unemployment benefits may be
7 denied for failure to comply.

8 C. An individual who last worked for a temporary help firm is
9 not considered to be unemployed until three (3) business days have
10 passed since the date the individual's last assignment with the
11 temporary help firm has ended.

12 D. For the purposes of the Employment Security Act of 1980, the
13 temporary help firm is deemed to be the employer of the temporary
14 employee.

15 SECTION 2. This act shall become effective November 1, 2014.

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