

By: Ritter

H.B. No. 1939

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain disqualifications for unemployment
3 compensation benefits for assigned employees of staff leasing
4 services companies.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 91, Labor Code, is amended
7 by adding Section 91.0445 to read as follows:

8 Sec. 91.0445. REQUIRED NOTICE. (a) A staff leasing
9 services company must provide the written notice required under
10 Section 207.045(i)(1) in a separate document that complies with the
11 requirements of this section, a copy of which must be provided to
12 the assigned employee. The document must be signed by the assigned
13 employee.

14 (b) The document must:

15 (1) be in bold-faced type, capital letters,
16 underlined, or otherwise set out from accompanying written material
17 so as to be conspicuous; and

18 (2) be in substantially the following language:

19 "You are an employee of (NAME OF STAFF LEASING
20 SERVICES COMPANY), a staff leasing services company
21 licensed under Chapter 91, Labor Code. In your
22 employment with (NAME OF STAFF LEASING SERVICES
23 COMPANY), you may be assigned to work at a client
24 company and be supervised, wholly or partly, by the

1 employees of that client company. On conclusion of an
2 assignment, you remain an employee of (NAME OF STAFF
3 LEASING SERVICES COMPANY) and must contact (NAME OF
4 STAFF LEASING SERVICES COMPANY) and make yourself
5 available for continued employment and assignments.

6 "To report your availability for continued
7 employment and assignments, you must contact (NAME OF
8 STAFF LEASING SERVICES COMPANY) by the end of the next
9 business day after the conclusion of an assignment by
10 calling the company's Employee Assignment Line at
11 (TOLL-FREE TELEPHONE NUMBER), and speaking personally
12 to a company placement representative."

13 SECTION 2. Section 207.045(i), Labor Code, is amended to
14 read as follows:

15 (i) An assigned employee of a staff leasing services company
16 is considered to have left the assigned employee's last work
17 without good cause if the staff leasing services company
18 demonstrates that:

19 (1) at the time the employee's assignment to a client
20 company concluded, the staff leasing services company gave written
21 notice as provided by Section 91.0445 and instructions to the
22 assigned employee to contact the staff leasing services company for
23 a new assignment [~~on termination of assignment at a client~~
24 ~~company~~]; and

25 (2) the assigned employee did not contact the staff
26 leasing services company regarding reassignment or continued
27 employment; provided that the assigned employee may show that good

1 cause existed for the assigned employee's failure to contact the
2 staff leasing services company.

3 SECTION 3. The change in law made by this Act applies only
4 to a claim for unemployment compensation benefits that is filed
5 with the Texas Workforce Commission on or after the effective date
6 of this Act. A claim filed before that date is governed by the law
7 in effect on the date that the claim was filed, and the former law is
8 continued in effect for that purpose.

9 SECTION 4. This Act takes effect September 1, 2005.