

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# **A Bill**

**SENATE BILL 715**

4 **By: Senators Harriman and Walters**

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## **For An Act To Be Entitled**

8 "AN ACT TO REQUIRE COMPARABLE BENEFITS FOR TEMPORARY  
9 EMPLOYEES; AND FOR OTHER PURPOSES."

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11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 *SECTION 1. Definitions. As used in this act, unless the context*  
14 *otherwise requires:*

15 (1) *"Employee leasing agency" means any person which places employees*  
16 *of a manufacturing employer on its payroll and leases such employees back to*  
17 *the client on an on-going basis for a fee;*

18 (2) *"Manufacturing employer" means a plant, factory or mill engaged in*  
19 *the mechanical or chemical transformation of materials or substances into new*  
20 *products.*

21 (3) *"Permanent employee" means a person whose employment position is of*  
22 *an indefinite duration and is not expected to be terminated upon the*  
23 *completion of a particular job or project;*

24 (4) *"Person" means any individual, company, firm, association,*  
25 *partnership, or corporation;*

26 (5) *"Employment agency" means a person who for a fee or other*  
27 *compensation:*

28 (A) *operates as a placement agent or placement agency;*

29 (B) *operates an employee leasing agency;*

30 (C) *operates a contract labor firm; or*

31 (D) *operates a temporary help services firm;*

32 (6) *"Seniority" means the duration of employment with a particular*  
33 *employer;*

34 (7) *"Temporary employee" means a person employed either through a*  
35 *temporary help services firm or directly by an employer to perform certain*

1 tasks or functions with the expectation that the worker's position will be  
2 terminated upon the completion of the task or function or who is classified by  
3 the employer as a temporary employee;

4 (8) "Temporary help services firm" means an organization that assigns  
5 its employees to perform services to others with the understanding that the  
6 temporary employee's services will be terminated at the completion of the  
7 assigned tasks or functions or time period.

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9 *SECTION 2. Exemptions. The provisions of this act shall not apply to:*

10 (a) Any person who prepares resumes for individuals for employment  
11 purposes, if the person who prepares the resumes does not offer or provide the  
12 services of an employment agency and does not have any financial connection  
13 with an employment agency;

14 (b) Any bona fide nursing school, nurses registry, management  
15 consulting firm, business school, or vocational school whose primary function  
16 and purpose is training and education, except that if such an organization  
17 charges a fee, directly or indirectly, for job placement of individuals, the  
18 organization shall be an employment agency within the meaning of this  
19 subchapter;

20 (c) A labor organization;

21 (d) Any person who publishes advertisements placed and paid for by a  
22 third person seeking employment or an employee, provided such person does not  
23 procure or offer to procure employment or employees; or

24 (e) Employment services established and operated by this state, any  
25 political subdivision of this state or the United States.

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28 *SECTION 3. (a) Each temporary employee who is employed at the same job*  
29 *site or for the same employer for more than one hundred-twenty (120) days in*  
30 *any one (1) year period shall be entitled to all the rights and benefits,*  
31 *including but not limited to salary, overtime pay and insurance benefits, if*  
32 *any, that are offered to permanent employees at the same employment site who*  
33 *are performing a comparable job under comparable conditions. For the purposes*  
34 *of this subchapter, seniority may be considered in determining salary benefits*  
35 *but shall not be considered in determining whether a job or position is*  
36 *comparable.*

1 (b) Any temporary employee who does not receive the same rights and  
2 benefits offered to permanent employees performing a comparable job under  
3 comparable conditions shall have the right to file suit in chancery or circuit  
4 court. Upon receiving a judgment in his favor, a temporary employee shall be  
5 entitled to treble damages plus reasonable attorney's fees.

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7 SECTION 4. It shall be the duty of every employment agency to maintain  
8 for two (2) years a form signed by each of its employees acknowledging receipt  
9 of a written copy of employment benefits.

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11 SECTION 5. All provisions of this act of a general and permanent nature  
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 6. If any provision of this act or the application thereof to  
16 any person or circumstance is held invalid, such invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provision or application, and to this end the provisions of this  
19 act are declared to be severable.

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21 SECTION 7. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

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24 /s/Harriman, et al  
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