



Questions & Answers for Temporary Workers

**Q. Who are temporary workers?
Who is considered their employer?**

A. ■ If you work for a temporary agency (full or part time) you are considered a temporary worker. Your employer is the **agency** that gave you the assignment, **not the company** where you are working. Your paycheck will come from the temporary agency.

■ If you were hired by a company (not a temp agency) for a limited amount of time (for example as holiday help), then you are a temporary employee of the company that hired you. Your paycheck will come from the company.

■ If you work for yourself using your own equipment and controlling your own work, you may be an *independent contractor*. As an independent contractor, taxes are not taken out of your paycheck and you do not have the same rights as employees. An employer may incorrectly call a worker an independent contractor when he/she is not.

Q. Do I have the same rights as other workers?

A. If you are working as a temporary employee, you still have many of the same rights as other workers. For example, you have the right to:

- ✓ be paid at least the state minimum wage;
- ✓ be paid overtime;
- ✓ be paid on a regular basis;
- ✓ be eligible for time off, if you qualify (see our flyer, *Q & A: Taking Time Off*);
- ✓ unemployment & workers' compensation; and
- ✓ protection from discrimination based on race, color, religion, sex, national origin, age or disability (see our flyer, *Job Discrimination*).

Q. I have been working for a temporary agency for more than 30 days at different places and my job ended. What should I do?

A. If you work for the temp agency for more than 30 days, the law sees this as permanent work with the *temp agency* being your employer. **You must** ● contact the temp agency often for other jobs, ● keep records of the contacts you

made and the people at the temp agency with whom you spoke, and, ● if the agency does not have work for you, ask them to put that in writing for you. You may need to prove to the unemployment office (or to the state if you are on state cash assistance) that they had no work for you when your job ended. (See question below, "What happens if I refuse...".)

Q. Can I get unemployment compensation if I am a temp and not working?

A. Yes, as long as you continued to contact the temp agency for work after your last assignment ended and you did not refuse a suitable work assignment. If you worked for a company (not a temp agency) that hired you for a limited time, you should be eligible for unemployment. In either case, you must also meet the requirements of the unemployment compensation program which include: working long enough, earning enough money, and losing the job through no fault of your own. (See our pamphlet, *Your Rights When You Apply for UC*).

Q. What happens if I refuse an assignment?

A. If you refuse a specific and definite assignment that is "suitable", you may **not** qualify for unemployment. "Suitable" means the assignment is similar to those you had before. Refusing a "suitable" job suggests you are not interested in working. Once you work for a temp agency for more than 30 days (even if you work at different places during that 30 days), the law sees that as permanent work, so you cannot claim an assignment is unsuitable only because it is temporary.

Caution: If you get state welfare (TFA or Jobs First cash assistance) or food stamps, your benefits could be discontinued if you:

- refuse an assignment, or
- do not keep in contact with the temp agency.

Q. What can I do if my rights are violated?

A. Call Statewide Legal Services for free advice at 1-800-453-3320 or 860-344-0380.