

CHAPTER 185

LABOR AND INDUSTRY

HOUSE BILL 95-1213

BY REPRESENTATIVES Friednash and Dyer;
also SENATORS Wattenberg and Alexander.

AN ACT**CONCERNING THE ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION OF TEMPORARY EMPLOYEES
EMPLOYED ON AN AS-NEEDED BASIS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 73 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

8-73-105.3. Temporary employees. (1) AS USED IN THIS SECTION, "TEMPORARY EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER ON AN IRREGULAR SCHEDULE AND WHO HAS AGREED TO WORK FOR THE EMPLOYER ON AN AS-NEEDED OR ON-CALL BASIS.

(2) AT THE TIME OF HIRE AS A TEMPORARY EMPLOYEE, AN EMPLOYER MUST GIVE THE EMPLOYEE NOTICE THAT THE EMPLOYEE IS REQUIRED TO CONTACT OR NOTIFY THE EMPLOYER UPON COMPLETION OF AN ASSIGNMENT AND TO BE AVAILABLE TO WORK, AS AGREED UPON AT THE TIME OF HIRE, DURING A SPECIFIED PERIOD OF TIME, ON SPECIFIED DATES, OR UPON CALL BY THE EMPLOYER ON AN AS-NEEDED BASIS.

(3) IF A TEMPORARY EMPLOYEE RECEIVES THE NOTICE PURSUANT TO SUBSECTION (2) OF THIS SECTION AND DOES NOT CONTACT OR NOTIFY THE EMPLOYER UPON COMPLETION OF AN ASSIGNMENT IN COMPLIANCE WITH THE NOTICE AND IS NOT AVAILABLE TO WORK AT THE AGREED-UPON TIMES, THE EMPLOYEE IS DEEMED TO HAVE VOLUNTARILY TERMINATED EMPLOYMENT FOR THE PURPOSE OF DETERMINING BENEFITS PURSUANT TO SECTION 8-73-108 (5) (e).

(4) IF A TEMPORARY EMPLOYEE WHO AGREES TO WORK ON AN AS-NEEDED BASIS RECEIVES THE NOTICE PURSUANT TO SUBSECTION (2) OF THIS SECTION AND REFUSES ALL WORK WITHIN THREE SEPARATE PAY PERIODS WHEN CONTACTED BY THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

EMPLOYER, THE TEMPORARY EMPLOYEE IS DEEMED TO HAVE VOLUNTARILY TERMINATED EMPLOYMENT FOR REASONS THAT MAY OR MAY NOT ALLOW AN AWARD OF BENEFITS PURSUANT TO SECTION 8-73-108.

(5) IN THE EVENT THE DIVISION RECEIVES OFFICIAL WRITTEN NOTICE FROM THE FEDERAL DEPARTMENT OF LABOR THAT SUBSECTION (4) OF THIS SECTION DOES NOT CONFORM TO FEDERAL LAW, SAID SUBSECTION (4) OF THIS SECTION SHALL NOT BE ADMINISTERED AS PROVIDED IN SECTION 8-73-108, AND IN SUCH EVENT SECTION 8-73-105.5 (1) (b) SHALL TAKE EFFECT. IF THE DIVISION RECEIVES WRITTEN NOTICE OF NONCONFORMANCE, IT SHALL IMMEDIATELY SUBMIT A COPY OF THE NOTICE TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 24-1-136 (9), C.R.S., AND TO THE REVISOR OF STATUTES.

SECTION 2. 8-73-105.5 (1), Colorado Revised Statutes, 1986 Rep. Vol., as amended, is amended to read:

8-73-105.5. Employment by a temporary help contracting firm. (1) (a) For the purposes of this section, "temporary help contracting firm" means any person who is in the business of employing individuals and, for compensation from a third party, providing those individuals to perform work for the third party, under the supervision of the third party.

(b) COMMENCING ON THE DATE THE DIVISION RECEIVES A NOTICE OF NONCONFORMANCE UNDER SECTION 8-73-105.3 (5), "TEMPORARY HELP CONTRACTING FIRM" SHALL ALSO INCLUDE ANY OTHER EMPLOYER OPERATING A TEMPORARY POOL OF EMPLOYEES FOR THE PURPOSE OF WORKING ON AN AS-NEEDED OR ON-CALL BASIS.

SECTION 3. Effective date. This act shall take effect July 1, 1995, and shall apply to acts occurring on and after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 24, 1995