

Temporary Workers Right to Know

This Act requires staffing agencies provide to employees a notice containing certain information about new assignments/placements. It requires that information be confirmed in writing and sent to the employees, in a form designated by the employees, before the end of the first pay period. However, any changes to the initial terms of employment must be immediately provided to the employees and the employees must acknowledge the change in terms.

The Act requires staffing agencies post in the agencies' business offices a notice of employee rights and the name and telephone number of the state labor department. It directs the department to provide a sample notice and to facilitate translating that notice to a language other than English when appropriate.

The Act does not apply to professional employees as defined in 34 USC section 152, or to employees who are secretaries or administrative assistants whose main or primary duties are described by the Bureau of Labor Statistics of the United States Department of Labor as involving one or more of the following: drafting or revising correspondence, scheduling appointments, creating, organizing, and maintaining paper and electronic files, and providing information to callers or visitors.

The Act prohibits staffing agencies or worksite employers from charging or accepting a fee from an employee for the cost of things such as registering with the staffing agency.

Submitted as:

Massachusetts

[HB 4304](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Short Title.*] This Act shall be cited as “The Temporary Workers Right to Know
2 Act.”
3
4 Section 2. [*Requirements of staffing agencies.*]
5 (a) A staffing agency shall provide to each employee for new assignment or employment
6 notice 8 of the following:
7 (1) the name, address and telephone number of:
8 (i) the staffing agency, or the contact information of the staffing agent
9 facilitating the placement;
10 (ii) its workers compensation carrier;
11 (iii) the worksite employer; and
12 (iv) the department;
13 (2) a description of the position and whether it shall require any special clothing,
14 equipment, training, or licenses and any costs charged to the employee for supplies or training;
15 (3) the designated pay day, the hourly rate of pay and whether overtime pay may
16 occur;
17 (4) the daily starting time and anticipated end time and, when known, the expected
18 duration of employment;

1 (5) whether any meals shall be provided by the staffing agency or worksite employer
2 and the charge, if any, to the employee; and

3 (6) details of the means of transportation to the worksite and any fees charged to the
4 employee by the staffing agency or worksite employer for any transportation services;

5 Nothing in this subsection shall be construed to prohibit a staffing agency from directing an
6 employee to employment by telephone; provided that the telephone message shall disclose the
7 information in this subsection. The information concerning the employee's assignment shall be
8 confirmed in writing and sent to the employee, in a form designated by the employee, before the end
9 of the first pay period; provided, however, that any change to the initial terms of employment shall
10 be immediately provided to the employee and the employee must acknowledge the change in terms.

11 The staffing agency shall post in a conspicuous place in each of its locations where it does business
12 notice of an employee's rights under this section and the name and telephone number of the
13 department. The department shall provide a sample posted notice that meets the requirements of this
14 section and, when appropriate, shall facilitate the translation of the notice to a language other than
15 English.

16 The provisions of this subsection shall not apply to a professional employee as defined in 34
17 USC section 152; or to employees who are secretaries or administrative assistants whose main or
18 primary duties are described by the bureau of labor statistics of the United States department of labor
19 as involving one or more of the following: drafting or revising correspondence, scheduling
20 appointments, creating, organizing, and maintaining paper and electronic files, and providing
21 information to callers or visitors.

22 (b) No staffing agency or worksite employer shall charge or accept a fee from an employee
23 for:

24 (1) the cost of registration of the staffing agency or the cost of procuring employment;

25 (2) any good or service unless under the terms of a written contract with an employee,
26 which clearly states in a language that the employee understands that the purchase is voluntary and
27 which provides that the staffing agency will not gain a profit from any cost or fee charged to the
28 employee;

29 (3) the provision of any of the following that exceed the actual cost per applicant or
30 employee: bank card, debit card, payroll card, voucher, draft, money order or similar form of
31 payment or wages, or any drug screen;

32 (4) a criminal record offender information request;

33 (5) transportation except as provided in subsection (c);

34 (6) any good or service the payment of which would cause the employee to earn less
35 than the applicable minimum wage.

36 No staffing agency or work site employer or a person acting directly or indirectly in either's
37 interest may deduct any costs or fees from the wages of an employee without the express written
38 authorization of the employee. A staffing agency or work site employer shall furnish to the employee
39 a copy of the signed authorization in a language that the employee can understand.

40 (c) If a staffing agency or work site employer or a person acting directly or indirectly in
41 either's interest offers transportation services to an employee and charges a fee for such services, the
42 staffing agency or work site employer shall charge such employee no more than the actual cost to
43 transport such employee to or from the designated work site. The fee, if any, to cover the
44 transportation service costs for each such employee shall not exceed 3 per cent of such employee's
45 total daily wages, and shall not reduce the employee's total daily wages below the minimum wage
46 earned for the day. If a staffing agency or work site employer or a person acting directly or indirectly
47 in either's interest requires the use of such transportation services, no fee may be charged. Any
48 staffing agency that sends an employee to a worksite employer for employment that day where in
49 fact no employment exists shall fully refund the cost of transportation.

1 (d) A staffing agency shall not:

2 (1) knowingly issue, distribute, circulate or provide any false, fraudulent, or
3 misleading information, representation, promise, notice or advertisement to any applicant or
4 employee;

5 (2) use any name that has not been registered with the department under [insert
6 citation] in the advertisement of its services;

7 (3) assign or place an employee in employment by force or fraud, or for illegal
8 purposes, or where the employment is in violation of state or federal laws governing minimum wage,
9 child labor, compulsory school attendance, required licensure or certification, or at any location that
10 is on strike or lockout without notifying the employee of this fact;

11 (4) refuse to return on demand any personal property belonging to an employee or
12 any fee or cost that is charged or accepted by a staffing agency or work site employer in excess of
13 the amounts allowable under this section.

14 (e) The department shall make rules and regulations and all inspections and investigations
15 necessary for the enforcement of this section.

16 (f) Whoever violates this section shall be punished or shall be subject to a civil citation or
17 order as provided in [insert citation].

18 Section 3. [*Severability.*] Insert severability clause.

19 Section 4. [*Repealer.*] Insert repealer clause.

20
21 Section 5. [*Effective Date.*] Insert effective date.
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