



Recent Bills Effecting the NY Staffing Industry

Pending Legislation:

NY SB7212:

This bill would create the Day and Temporary Labor Services Act that would require providers to register with the Labor Department. Whenever a day and temporary labor service provider agrees to send one or more persons to work as day or temporary laborers, the provider shall provide to each laborer, at the time of dispatch, a statement containing: the name of the day or temporary laborer; the name and nature of the work to be performed; wages offered; name and addresses of each day or temporary laborer; terms of transportation; and whether a meal or equipment, or both, is provided either by the provider or the client. (Introduced March 19, 2008).

Enacted Legislation:

NY HB3626:

New York Law Will Cut UI Costs

By: Toby Malara, ASA Government Affairs Counsel

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Legislation amending the New York state law governing how liability for unemployment benefits is charged to responsible employers was recently signed into law by Gov. Eliot Spitzer. The new law will go into effect **Jan. 1, 2009**.

Under prior law, the last employer of an individual who filed a valid claim for unemployment insurance was assessed 100% of benefits for the first seven weeks of the benefit period. That meant that some employers, like staffing companies, had to pay for seven weeks of benefits for employees who had worked for as few as one or two days.

The new law corrects this unfair situation by making employer benefit charges for short-term employees proportional to the wages actually paid to the employees. Under the amendment, if seven weeks of benefits would exceed the wages paid to the employee, the last employer will simply have to notify the state Department of Labor, which will recalculate the benefit amounts so that the employer is charged only what the employee was paid. The balance of the claim would be shared proportionately by all employers during the base period—the first four quarters of the last five completed calendar quarters prior to the filing of the benefit claim.

Special thanks are due to members of the New York Staffing Association, an ASA-affiliated state chapter, and NYSA's lobbyist, Peter Crouse. Their hard work and dedicated grassroots campaign efforts were a driving force behind this major win for the staffing industry.

Contact NYSA at nysa@americanstaffing.net for detailed history and bill text.