



Washington State Department of
Labor & Industries
Workers' Compensation Services

Temporary Services Guide to Workers' Compensation Insurance

Prepared by Classification Services

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INTRODUCTION

This manual has been developed for temporary help services providers who are doing business in the state of Washington and fulfilling their workers' compensation insurance obligation with the Washington State Fund. Temporary help companies and their employees support businesses in virtually every job category and most industries. The Washington State Fund, in cooperation with the industry, developed a classification plan to accommodate this complex industry. This edition of the guide reflects changes made to the general reporting rule and risk classification definitions that became effective January 1, 2004.

Under the "old" system, temporary help classifications were cross-referenced to the classification(s) applicable if the temporary worker had instead been an actual employee of the customer. Temporary help companies were, therefore, required to find out which risk classifications were assigned to the customer's business in order to determine the correct temporary help classification to assign. This method proved extremely difficult for both employers and the Department to administer. To complicate things further, quarterly reports contained generic classification descriptions that were sometimes vague. Guesswork and improper reporting were a common result.

The temporary help classifications are referenced directly to the business operations or work activities in which the worker will be involved. This will simplify classification and documentation procedures while promoting equal treatment and rate equity for all insured.

Included in this manual are reporting, record-keeping and claims management guidelines, an excerpt from the Washington Administrative Code listing the general reporting rule and temporary help classifications, an Underwriter's guide which references typical temporary help services to the appropriate risk classifications and a glossary of terms used by temporary services providers.

Please send comments or suggestions for improvement to:

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REPORTING GUIDELINES FOR TEMPORARY HELP COMPANIES

Premium Paying and Employer Quarterly Reports

Near the end of each calendar quarter we will send you an "Employer's Quarterly Report for Industrial Insurance" to complete and return to us. You use this form to report the number of hours your employees worked and your total payroll during the preceding quarter and to compute the total premium you owe. By law, this report, along with your premium payment, must be returned to the department by the last day of January, April, July, and October. To determine the total amount owed, multiply the composite premium rate by the total number of hours your employees worked the previous calendar quarter. Your composite rate is printed on your quarterly report form. Your completed report must be signed by you or your authorized representative.

Calculating Your Premiums

Nearly all premium rates are stated in terms of dollars per worker-hour. The total amount you pay equals the number of hours worked by your employees multiplied by the basic premium rate assigned to your risk classification. Thus, a rate of \$.2550 means 25 1/2 cents per worker hours. Your total premium has three components: an accident fund rate, a medical aid fund rate and a supplemental pension assessment. When combined, these three rates form a "composite rate." This composite rate is used to calculate the amount you will pay into the State Fund. Part of this premium payment is shared by your employees through payroll deductions. Premium payments work like this:

Accident Fund Premium This premium is paid in full by the employer. These premiums provide money to pay non-medical claim costs such as wage replacement, most vocational rehabilitation costs, disability pensions, and survivor benefits. This premium is "experience rated." That is, it is based in part on your firm's accident experience record. (Please see "Experience Rating" section which follows.)

Medical Aid Premium The medical premium is paid equally by you and your employees. You may deduct half of this premium from your employees' wages. You must pay the other half. You are responsible for sending the entire premium amount to the department. These premiums pay for the medical care and related services essential to an injured worker's recovery, including some vocational rehabilitation costs. Medical aid rates are also experience rated.

Supplemental Pension Assessment This assessment, like the medical aid premium, is shared equally by you and your employees. You may deduct half of the total assessment from your employees' wages. You must pay the other half. This part of your premium provides money to pay cost-of-living increases to workers whose benefits were based on earlier benefit schedules, but have since been increased by legislative action. The difference between the new, increased benefit payment and the original payment is paid out of this fund. All employers and employees, regardless of risk classification, pay the same supplemental pension assessment rate.

Experience Rating of Your Industrial Insurance Premium

When you first open an industrial insurance account on a new business, you will pay the basic premium rate set for your risk classification. After you have established your own accident experience record, your premium rate will be "experience rated." That means your premium rate may be increased or decreased, **based on your company's actual accident experience**. If you purchase an existing business, you assume the existing experience factor of that business.

For example, if your accident costs were lower than the average costs of other employers in your classification, you will pay a premium rate **lower** than the basic premium rate for your classification. If your accident costs prove to be higher than the average costs of other employers in your classification, you will pay a premium rate **higher** than the basic rate. Thus, effective accident prevention efforts by your company **can hold down your premium costs**.

Experience rating affects your accident fund premium and your medical aid premium. It does not change your supplemental pension assessment.

Employer Rate Notice

Your premium rates will change when basic rates are adjusted (usually annually) or when your individual experience rating is recalculated. When the basic rates are adjusted, we will send you an "Industrial Insurance Rate Notice" which includes your experience factor, the rate you pay per worker hour during the designated coverage period, and the amount you can legally withhold from your employees' wages. We will also notify you if your experience factor changes. If you have any questions about the information contained in either of these notices, you may call (360) 902-5596 or 902-4804 to talk with the Policy Managers who manage accounts of temporary help companies.

Reporting Worker Hours

In general, the actual number of **hours worked** are to be reported for premium calculations. Vacation and sick leave hours are not included. Because it may be difficult to keep an accurate record of actual hours worked for commissioned or salaried employees, we have provided another method of reporting those employees. Below is an excerpt from WAC 296-17-31021 (1) which details those options.

Commissioned Employees - outside (such as, but not limited to, real estate and insurance sales): You must select one of the following methods to report your commission employees - outside:

- actual hours worked, or
- assumed hours of 8 hours per day for part-time employees or 40 hours per week for full-time employees.

All outside commission employees of an employer must be reported by the same method. You must report either the actual hours worked for each employee or 160 hours per month. You cannot report some outside commission employees based on the actual hours they work and others using the 160 hours-per-month method.

Salaried Employees - All salaried employees of an employer must be reported by the same method. You must report either the actual hours worked for each employee or 160 hours per month. You cannot report some salaried workers based on the actual hours they work and others using the 160 hours-per-month method.

AUDITS

Audits are conducted to determine the correctness of quarterly reports made by employers. If necessary, an adjustment to premium will be made.

Our goal is to ensure accurate reporting, which determines the premium you pay. This includes making sure you do not pay too much or too little. The rate you pay for workers' compensation insurance is a reflection of the hazards present in your work place. Businesses or industries having similar hazards are grouped together, thus competitors pay a similar rate.

The audit addresses this concern for rate equity by:

1. ensuring that your business operation in Washington is correctly classified
2. verifying that premium is being paid on all covered workers
3. confirming the proper assignment of claims to your account
4. updating information such as changes in ownership, location, operation, etc..

RECORD-KEEPING GUIDELINES

Industrial insurance law requires that every employer keep records of information that will allow the department to compute premium, and that these records be open for examination. Records that are accurate and properly maintained will help you manage your business and, in case of an audit, minimize the time needed by the department for an accurate review.

In order to properly document the hours reported on your quarterly reports, you should maintain the following records:

Payroll (including)

Individual Earnings Records (showing)

- Employee's name, address, and social security number
- Job title and/or type of work performed
- Date hired and terminated
- Type of compensation (hourly, salaried, commissioned, etc..)
- Gross payroll and hours (regular and overtime, totaled by quarter)
- Deductions for workers' compensation

Payroll Journal and Summary (showing)

- Quarterly totals, separated by type of work "
- Staff employees vs. "temporary" employees

Cash Disbursements Journal (showing)

- Materials/supplies
- Subcontractors
- Casual/contract labor (totaled by quarter)

Tax Records (including)

State Unemployment Tax Returns

Federal Tax Returns (such as)

- Form 1099
- Form 1040: Schedule C
- Form 1065

Other Records

Work Orders (showing)

- Job title
- Complete job description
- L&I risk classification

Work orders are among the most important records to maintain. They should be accurate and complete.

Check Registers

Corporation Documents

Worksheet Supporting Quarterly Report

CONTROLLING YOUR PREMIUM RATES

Premium rates for your business are linked to your firm's accident history. You can minimize your industrial insurance premiums by controlling your claim costs. This is best done through active programs in accident prevention and claims management.

Accident prevention for temporary help services companies can be difficult since your control of the working environment may be limited. Following these guidelines, however, can yield positive results:

1. Screen work orders. Do not dispatch an employee until you are satisfied that the job is appropriate for your employee and that reasonable safety precautions have been taken.
2. Provide safety training to new employees. Demonstrate the proper use of safety equipment and safe handling of any hazardous substances they may be using.
3. Publish and supply all your employees with a list of safety rules, which might include the following:

REPORT IMMEDIATELY to your job site supervisor any condition or practice you think might cause injury or damage to equipment or personnel.

Do not operate any motorized vehicle or equipment that, in your opinion, is not in a safe condition.

Maintain and use prescribed safety and personal protective equipment when required.

OBEY all the customer's safety rules, governmental regulations, signs, markings and instructions. Be particularly familiar with those that apply directly to you. IF YOU DO NOT KNOW, ASK.

Be courteous and avoid distracting others. DO NOT PARTICIPATE IN HORSEPLAY.

Always use the right tools and equipment for the job. Use them safely and only when authorized.

Practice good housekeeping. Return all equipment, materials, etc., to their proper places.

NEVER use drugs or alcohol prior to or during work.

If you are involved in any accident, no matter how small, that results in personal injury or property damage, report it immediately to both your employer (temporary staffing services) and the job site supervisor. Get first aid promptly.

4. Periodically visit job sites to see that they match the work order description.
5. Instruct your employees to notify you whenever their job duties are altered from the work order.
6. Emphasize on-the-job safety at all times. Make it an integral part of your company.

Claims management is the other key to minimizing claim costs and, ultimately, your premium rates. "Out of sight, out of mind" leads to "out of pocket" for your company. Implement a system to manage the claims that do occur. Here are some guidelines:

1. Designate a specific person (if possible) or section to manage your claims.
2. Compare the employee's report of an accident to the job-site supervisor's accident report to determine the cause of accidents and suggest ways to avoid them in the future. Care should be taken to see that the two statements are made independently.
3. Communicate with the department! Complete the employer's portion of the Washington State Fund Accident Report promptly and carefully. Notify the department immediately in writing if a claim has been charged to your firm in error.
4. Monitor your claims. Set up an individual file for each claim to track important dates and deadlines.
5. Consider "modified" or "light-duty" assignments to return your injured workers to work as soon as possible. These programs do not ask persons who are ill or in pain to return to work, but they do locate tasks that serve the company on a temporary basis until the employee is fully recovered. Remember that any light-duty program should be set up in cooperation with the treating physician. This program helps the employee feel productive, rather than disabled, and tends to speed recovery. It also reduces the number of time loss days, which in turn reduces premium costs.

Retrospective Rating: Once you have your industrial insurance claims under control, you may want to consider signing up for one of the retrospective rating programs offered by the Washington State Fund. Under retrospective rating, eligible businesses sign up to have their premiums adjusted to reflect actual claims experience, which can mean substantial refunds for companies who know how to control their losses.

Preferred Workers - Under the Preferred Workers program, you can receive the following financial benefits if you hire qualified employees who have been previously injured:

1. No injury costs - No claim costs or experience rating penalties will be charged against your account if the worker is hurt on the job within three years of the hiring date.
2. Premium waived - You are also exempt from paying the industrial insurance (accident fund) premium and the medical aid premium on the worker for up to three years after initial hire. Although you must still pay the supplemental pension assessment, this cost is shared equally by you and the worker.

These programs are all examples of ways you can minimize your industrial insurance premiums despite rising medical costs. Your local Labor and Industries office can provide you with more information about our free or low-cost services.

UNDERWRITER'S GUIDE – TEMPORARY STAFFING COMPANIES

Alphabetical Index of Business Operations or Occupations

This index of business operations and work activities has been prepared to help temporary staffing companies determine the applicable risk classification they should use in reporting the work hours of employees they assign to work at a clients business on a temporary basis. This guide should be used *only* as a reference guide.

The temporary help classifications referenced in this guide are keyed to the most appropriate business operation or activity in which the worker will be involved. You will notice as you use this guide that some business operations have multiple classifications that may apply depending on what the employee is doing for the client. We have provided these combinations of risk classifications to further assist you in reporting the employment to us.

Remember the business operations and activities referenced here are merely a guide to point you to a certain risk classification that may apply to the work being done by one of your employees. You should always review the referenced classification in the Washington Administrative Code (WAC) to verify that it applies to the work being performed by your employees. If you are still unsure, contact the Employer Services section in Tumwater at (360) 902-5596 or (360) 902-4804.

NOTE: *The information contained in this guide is not intended to replace or supplement the classification treatment of business operations or work activities contained in the Washington Administrative Code.*

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WASHINGTON ADMINISTRATIVE CODE RULES

SCHEDULE OF CLASSIFICATIONS

NOTE: The letters "N.O.C." as used in this chapter means "Not otherwise classified."

Keep in mind that classification 7104 is for your employees who are working in your administrative and branch offices. All employees working an assignment for your customers are classified using risk classifications 7105 through 7121. If you have employees doing remodeling or new construction at your place of business, please call your local Labor and Industries office. Additional classifications for these employees may be needed.

WAC 296-17-31027 Temporary staffing services.

- (1) **To whom does this rule apply?** This rule applies to any temporary staffing business providing temporary employees to a client customer.
- (2) **Who pays the workers' compensation insurance premium for temporary staffing employees?** RCW 51.16.060 requires the temporary staffing service provider to pay the required premium for the temporary employees assigned to a client customer. **Note:** If the temporary staffing service provider fails to pay the required premium to Labor and Industries, the client customer is responsible for the unpaid premium.
- (3) **How are classifications determined for a temporary staffing business?** We will assign the classification or classifications to your business based on the nature of your business. **Note:** This process is identical to how classifications are assigned to a nontemporary staffing business.
- (4) **Are there special classifications that apply to temporary staffing businesses?** Yes, we have created a series of special classifications that only temporary staffing business use. They are found in WAC 296-17-757 through 296-17-76213.

Example: A temporary staffing business that specializes in providing nurses to medical facilities would be assigned the temporary staffing classification for health care facilities.

Example: A temporary staffing business that provides temporary employees to a variety of client customers would be assigned multiple temporary staffing classifications.

- (5) **Do other business have special classifications?** All businesses have special classifications.

Example: A nontemporary service employer engaged exclusively in plumbing work would

have plumbing classification assigned to their business.

Example: A nontemporary service employer engaged in framing houses, land clearing, and roofing would have a classification for the land clearing and a separate classification for the roof work. This is done because construction work is done by contract and each contract would be different.

- (6) **Why doesn't Labor & Industries just use nontemporary staffing classifications for temporary staffing businesses?** Temporary staffing company requested labor and industries to create special classifications for their industry. The alternative to special industry classifications would result in temporary staffing business to use the nontemporary staffing classification that their client customer uses. Labor and Industries has over three hundred main classifications and six hundred subclassifications that employers report in. Requiring temporary staffing businesses to use all of these classifications would result in an administrative burden for the temporary staffing businesses. Classifications unique to temporary staffing provide temporary staffing businesses the incentives to improve safety for their employees and control the cost of workers' compensation insurance.

WAC 296-17-757 Classification 7104**7104-01 Temporary staffing services: Administrative office personnel**

This classification applies to employees such as, but not limited to, clerical office, payroll, accounting, human resource managers, data processing, and outside sales personnel of the temporary staffing company who work in the administrative or branch offices of a temporary staffing company.

This classification excludes all other employees of a temporary staffing company who are assigned to work for a client customer. Temporary staffing employees who are assigned to work in the client customer's administrative or clerical office are to be reported separately in classification 7105.

Note: This classification also applies to an employment agency's administrative office when conducted in connection with a temporary staffing company operation

WAC 296-17-758 Classification 7105**7105-01 Temporary staffing services: Office support services**

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged wholly in office work for the client customer. This classification includes occupations such as, but not limited to, clerks, typists, receptionists, secretaries, accountants, actuaries, attorneys, bank tellers, bookkeepers, word processors, data entry operators, computer programmers, drafters, designers, graphic artists, technical writers, technical illustrators, design engineers, library assistants, telemarketers, dispatchers, prepress work for printers, collating by hand such as in a bindery, and mail clerks who do not operate equipment. Employees subject to this classification are not required to be physically located in the client customer's clerical office. The test is whether they perform clerical office duties as described in this WAC 296-17-31018(2). Employees who perform clerical office duties described in this classification are not required to be assigned classifications 7106 through 7122. A division of worker hours is not permitted between this classification and any other classification.

Note: This classification excludes temporary staffing employees assigned to a client customer whose duties include operation of equipment such as, but not limited to, mail stuffing and sorting equipment, and collating machines who are to be reported separately in classification 7109-01.

WAC 296-17-759 Classification 7106**7106-01 Temporary staffing services: Retail or wholesale store operations.**

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in activities related to a store operation as opposed to a warehouse or repackaging operation. Activities may include a combination of clerical type duties and those that require minimal physical lifting. This classification includes occupations such as, but not limited to, cashiers, stockers, beauticians, gift wrappers, buyers, product demonstrators, booth aids, models, outside sales persons, and inventory takers. This classification excludes employees of a temporary staffing company who are assigned on a temporary basis to a client customer to work in an adjacent storage area such as a lumber or building material yard of a home improvement center or a masonry dealer are to be reported separately in classification 7114.

Note: For the purposes of this classification, inventory services covered by this classification is limited to those services provided to a client company when performed in a

retail/wholesale store.

All other inventory employees are to be reported separately in classification 7114-00 provided they do not operate equipment or machinery.

WAC 296-17-760 Classification 7107**7107-01 Temporary staffing services: Bakery, restaurant, or food sundry preparation, musicians or entertainers**

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in activities such as, but not limited to, baking, cooking, food preparation, waiting and bussing tables, and dishwashing. This classification also includes musician and entertainment employees assigned on a temporary basis to a client customer.

WAC 296-17-761 Classification 7108**7108-01 Temporary staffing services: Warehouse operations including incidental packaging and repackaging of goods.**

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer who are engaged in operating a storage or distribution warehouse for dry goods such as, but not limited to, clothing, fabric, yarn and shoes; or houseware items such as glassware (bowls, vases, bottles), linens and china; or books, computer discs, bulk film, cassette tapes, records, and pharmaceutical preparations. Employees assigned to this classification may be involved in incidental repackaging of products described in this classification when they are performed in a storage or distribution warehouse covered by this classification.

Note: This classification excludes all employees who do assembly work; all employees who are involved in freight/material handling of hard goods such as, but not limited to, wood, metal, plate glass, plastic, or masonry products; and all employees assigned to a client customer engaged in any manufacturing or processing operation even though the employees' duties are limited to shipping and receiving activities of products covered by this classification.

WAC 296-17-762 Classification 7109**7109-01 Temporary staffing services: Electronic, precision, and scientific equipment assembly; nonfield technician services**

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in the assembly of electronic or biomedical

equipment or engaged in printing and bindery work and temporary staffing employees assigned to work in a client company's mail room and who, as a part of their duties, operate bindery, labeling, mailing or sorting machines. This classification includes, but is not limited to, electronic assemblers, electro-mechanical assemblers, quality control inspectors, test technicians, kit pullers, storekeepers, upholsterers, laboratory technicians, printers, offset operators, lead typesetters, mail clerks who operate equipment, and bindery workers.

WAC 296-17-76201 Classification 7110

7110-00 Temporary staffing services: Field engineer and field technician services; parking lot attendants, N.O.C.

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in duties away from the customers' premises and who are providing field engineering, field technician services, traffic counters, and surveying services, telephone installation and service within buildings, vending machine service, and to parking lot or garage attendants, weigh scale attendants, and service station attendants (other than mechanics). This classification also includes employees of a temporary staffing company assigned to a client company to wash or detail rental cars, provide lot services such as moving cars or checking rental agreements and drivers who move rental or customer cars from one lot to another.

WAC 296-17-76202 Classification 7111

7111-00 Temporary staffing services: Health care, medical laboratory, quality control services, testing laboratories, N.O.C.; homemaker services and home health care services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer who are engaged in health care services. This classification includes employment such as, but not limited to, therapists, nurses, nurses aides, physicians, dental hygienists, laboratory technicians, and assistants who work at a health care facility or at the home of the patient.

WAC 296-17-76203 Classification 7112

7112-00 Temporary staffing services: Agricultural services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any aspects of agricultural operations such as field crops, livestock, stables, dairies, nurseries, and greenhouses. This classification contemplates all agricultural employment including the operation of power driven farm machinery or equipment.

WAC 296-17-76204 Classification 7113

7113-00 Temporary staffing services: Janitorial, plant or facility supplemental maintenance and grounds keeping services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in janitorial work, building preoccupancy cleanup, plant or facility maintenance, and/or grounds maintenance work on an existing landscape. Grounds keeping work contemplated by this classification means, but is not limited to, mowing lawns, pruning shrubs, and weeding, as compared to new landscape construction work. This classification includes landscape workers involved exclusively in hand labor work such as raking, digging, using a wheelbarrow to haul soil, beauty bark, or decorative rock, whether performed as maintenance of existing landscape or new landscape work.

This classification excludes employees engaged in cleaning exterior windows, cleaning and removing debris or building material, and construction of new landscapes such as, but not limited to, clearing of land, installation of underground sprinkler systems, and moving boulders, who are to be reported separately in classification 7118; and employees engaged in removing trees who are to be reported separately in classification 7121. A division of worker hours is not permitted between this classification and any other classification.

WAC 296-17-76205 Classification 7114

7114-00 Temporary staffing services: Warehouse operations, N.O.C., including incidental assembly work; inventory takers, N.O.C.

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer who are engaged in warehousing or distribution operations, N.O.C. Products may include, but are not limited to, tires, mattresses, furniture, appliances, bricks, lumber, window sashes, bicycles, lawn and garden tools, lawn mowers, canned goods, beverages, pipe and wire. Employees assigned to this classification may do some

assembly work such as, but not limited to, putting doors on cabinets and putting pedals, seats and handlebars on bicycles. Assembly work may involve the use of hand held tools to assemble goods. This classification contemplates that temporary staffing employees working in these warehouse operations may use hand trucks, powered and nonpowered pallet jacks and forklifts for freight handling. This classification also applies to employees of a temporary staffing company assigned to a client customer to do inventory work not covered by another classification; and to employees of a temporary staffing company assigned to work in a client customer's home improvement center, building supply center, masonry store, pipe dealer or similar business's storage yard or warehouse.

This classification excludes all employees assigned to work at a client customer's manufacturing, processing or production plant, even though the employees do not operate equipment. A division of worker hours is not permitted between this classification and any other classification.

WAC 296-17-76206 Classification 7115

7115-00 Temporary staffing services: Cannery, bottling or food processing operations

This classification applies to all employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in cannery, bottling or food processing operations such as, but not limited to, canning, freezing, or dehydrating, or in packing fresh fruits or vegetables. Cooking or otherwise preparing food prior to processing or packing is included in this classification.

WAC 296-17-76207 Classification 7116

7116-00 Temporary staffing services: Flagging services by specialty contractor for public utility line construction

This classification applies to specialty (nonconstruction) contractors that are providing flagging services on public utility, power, water, or gas line construction projects. This classification also applies to employees of a temporary staffing company who are assigned to provide flagging services on a temporary basis to a public utility company nonconstruction contractor during the construction or extension of overhead or underground power, water or gas lines.

This classification excludes employees of construction contractors who perform flagging duties who are to be reported separately in the classification

applicable to the construction work the construction contractor is performing.

WAC 296-17-76208 Classification 7117

7117-00 Temporary staffing services: Manufacturing operations, N.O.C.; specialty trades

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer engaged in a variety of manufacturing and processing operations. This classification includes employees who may operate power driven equipment or machinery such as, but not limited to, forklifts, table saws, drill presses, industrial packaging and processing equipment or machinery N.O.C. This classification includes occupations such as, but not limited to, machinists, mechanics, welders, tool and die makers, cabinet makers, painters, and fabricators. This classification also includes employees of a temporary staffing company who work in the specialty trades of plumbing, electrical wiring, or sheet metal work either at a plant or a construction site. Businesses or industries contemplated by this classification include, but are not limited to, cabinet shops, wood products manufacturers, plastic goods manufacturers, fiberglass goods manufacturers, glass manufacturers, foundries, metal goods manufacturers, brick, cement or masonry products manufacturers; lumber remanufacturers, amusement parks, sign painting shops, and laundries, but does not apply to shake or shingle mills.

This classification excludes all employees of a temporary staffing company assigned to work for a client customer at a construction site except the specialty trades described above. This classification also excludes employees of a temporary staffing company who are assigned to work in maritime trades subject to Washington workers' compensation laws who are to be reported separately in classification 7120; and employees assigned to do plant maintenance work in a customer's plant who are to be reported separately in classification 7113.

WAC 296-17-76209 Classification 7118

7118-00 Temporary staffing services: Flagging services by specialty nonconstruction contractor, N.O.C.; construction employment, N.O.C.

This classification applies to specialty nonconstruction contractors that are providing flagging services not covered in classification 7116. This classification also applies to employees of a temporary staffing company assigned on a temporary basis to a client customer and who are engaged in any aspect of construction work such as, but not limited to,

road construction, new landscape work, N.O.C., nonagricultural tree topping and nonagricultural tree pruning, underground or overhead utility lines, fence erection, metal erection and installation of signs or lighting. This classification further includes the operation of equipment, machinery, and tools by temporary staffing employees covered by this classification, and to temporary staffing employees assigned to perform security and flagging services who are not covered by another classification.

This classification does not apply to employees of construction contractors who are to be reported separately in the classification applicable to the construction work the construction contractor is performing; employees of a temporary staffing company who are assigned to a client customer engaged in tree removal services who are to be reported separately in classification 7121; or to employees of a temporary staffing company who are working in the specialty trades of plumbing, electrical wiring, or sheet metal work for a client customer who are to be reported separately in classification 7117.

WAC 296-17-76210 Classification 7119

7119-00 Temporary staffing services: Commercial vehicle operations, N.O.C.; sawmill operations

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in commercial vehicle operations such as, but not limited to, driving truck for a moving or storage company, driving garbage collection trucks, driving pilot cars, driving delivery vehicles, driving buses or driving taxis. This classification also applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any aspect of sawmill work such as, but not limited to, operating machinery, grading lumber, or sorting and stacking lumber.

WAC 296-17-76211 Classification 7120

7120-00 Temporary staffing services: Hazardous waste handling; maritime employments

This classification applies to all employees N.O.C., of a temporary staffing company who are assigned on a temporary basis to a client customer and

who are engaged in hazardous waste handling operations. This classification also applies to all employees, N.O.C., of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in maritime operations subject to Washington workers' compensation laws, including diving or subaqueous work.

WAC 296-17-76212 Classification 7121

7121-00 Temporary staffing services: Logging; tree removal services; stump grinding services; shake or shingle mills; aircraft flight crew members

This classification applies to all employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any phase of logging or aircraft operations or who are assigned to work in shake or shingle mills, including equipment or machinery operators related to industries subject to this classification.

WAC 296-17-76213 Classification 7122

7122-00 Temporary staffing services: Laborers and nonmachine operators, N.O.C., for manufacturing and processing operations

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged as a laborer or nonmachine operators of manufacturing and processing operations. Businesses or industries contemplated by this classification include, but are not limited to, cabinet shops; wood products manufacturers; plastic goods manufacturers; fiberglass goods manufacturers; glass manufacturers; foundries; metal goods manufacturers; brick, cement, or masonry products manufacturers; lumber remanufacturers; amusement parks; sign painting shops; and laundries, but does not apply to shake or shingle mills.

This classification excludes all employees of a temporary staffing company assigned to work for a client customer at a construction site or in any phase of construction. This classification also excludes employees of a temporary staffing company assigned to work for a client customer performing work as a machine operator or skilled craftsman for manufacturing and processing operations who are to be reported separately in classification 7117.

GLOSSARY

<i>APPLICANT</i>	An individual seeking temporary employment with a temporary staffing services. In the employment agency business, "applicant" means a person seeking to be permanently placed.
<i>ASSIGN</i>	The act of sending a temporary employee to work on the premises of a customer of the temporary staffing services. "Assign" is different from a "referral," which describes the employment agency practice of sending an applicant to a prospective employer for an interview. "Refer" or "referral" does not apply to the act of assigning temporary employees.
<i>ASSIGNMENT</i>	The period of time during which a temporary employee is working on a customer's premises.
<i>COMMINGLING</i>	See <i>Joint Operations</i> .
<i>COORDINATOR</i>	The staff employee of a temporary staffing services who assigns temporary employees to work on the customer's premises.
<i>COUNSELOR</i>	An employment agency employee who refers or places applicants for employment with employers. The term does not apply to a staff employee of a temporary staffing services. Many state employment agency laws require that counselors be licensed.
<i>CUSTOMER</i>	The person, organization or business that uses the services of a temporary staffing services.
<i>DISPATCH</i>	This term is used generally to refer to the act of assigning industrial temporary employees to report for work on customer's premises.
<i>EMPLOYEE LEASING</i>	An arrangement whereby a business transfers its employees to the payroll of a "leasing organization" after which the employees are leased back to their original employer where they continue working in the same capacity as before in an ongoing, permanent relationship.
<i>EMPLOYMENT AGENCY</i>	A business whose purpose is to bring a job seeker and a prospective employer together for the purpose of effecting a permanent employment relationship.
<i>FEE</i>	The amount charged by an employment agency for placing job seekers in permanent positions. The term does not refer to a temporary staffing services's gross profit or liquidated damage charge. (See Liquidated Damages)
<i>GENERAL EMPLOYER</i>	An employer who has the right to hire and fire an employee, is responsible for the employee's wages and benefits, and exercises ultimate supervision, discipline and control over the employee.

Temporary help companies are the general employers of their temporary employees. (See Special Employer)

IN-HOUSE

An individual hired directly by a non-temporary staffing services

TEMPORARY

as a permanent employee to perform various temporary assignments within that company.

INDEPENDENT CONTRACTOR

A person, not an employee, who performs work for another. Unlike employees, independent contractors (1) are not subject to the control and supervision of the person using the services regarding the details of how the work is to be performed, (2) generally have specialized training or education, and (3) supply all necessary tools, supplies or equipment necessary to perform the work. An independent contractor may be considered a covered worker for industrial insurance purposes in Washington State per RCW 51.08.180.

JOB ORDER

See *Work Order*.

JOB SHOP

A colloquial term generally used to refer to businesses that supply longer-term temporary employees on a contract basis in technical or specialized areas such as engineering, drafting, etc..

JOINT OPERATIONS

The operation of both a temporary staffing services and an employment agency by the same firm.

LIQUIDATED DAMAGES

Liquidated damages are monies paid by temporary help customers under agreements in which the customer agrees not to hire the temporary employee within some specified period of time and to pay damages for breach of that promise in the agreed upon (i.e., "liquidated") amount.

PART-TIME

A work period less than the full work day or full work week. "Part-time" employees are not "temporary employees" because, unlike temporary employees, they work a regular schedule for their employer on an ongoing indefinite basis. (See *Temporary Employee*)

PAYROLLING

A colloquial term in the temporary help industry that describes a situation whereby the customer, rather than the temporary staffing services, recruits an individual and asks the temporary staffing services to consider employing the individual and assigning him to the customer on a temporary basis. Once hired by the temporary staffing services, the "payrolled" employee's employment relationship with the temporary staffing services is the same as any other temporary employee.

PLACEMENT

An employment agency term describing the act of successfully placing a job seeker in a permanent position with an employer.

<i>SPECIAL EMPLOYER</i>	<p>A term referring to a customer's legal relationship to the temporary employees assigned to them. The relationship is based on the customer's right to direct and control the specific details of the work to be performed. As "special employers," customers have certain legal rights and obligations regarding temporary employees. For example, because workers' compensation insurance (which temporary help companies provide for their employees) is the exclusive relief available to employees against "employers" for work related injuries, a temporary employee generally cannot sue his "special employer" (the customer) for negligence. Hence, the customer's special employer status insulates it from such liability. On the other hand, as special employers, customers may also have certain obligations to temporary employees, e.g. not to discriminate against them in violation of the civil rights laws. (See <i>General Employer</i>)</p>
<i>SUPPLEMENTAL STAFFING</i>	<p>The term is generally used to refer to the practice of supplementing the permanent staff of hospitals and nursing homes with nurses and other health care personnel employed by temporary help companies.</p>
<i>TEMP-TO-PERM</i>	<p>(Also referred to as "Try before you hire") The practice of sending temporary employees on an assignment for the express purpose of ultimately placing them in a permanent position with the customer.</p> <p>"Temp-to-perm" practices include but are not limited to:</p> <ul style="list-style-type: none">Advertising "temp-to-perm" positions to attract workers seeking permanent jobs.Suggesting or recommending to customers that they use temporary employees on a "temp-to-perm" basis.Agreeing to customers' requests to send temporary employees to the customer on a "temp-to-perm" basis.Sending temporary employees to customers to be interviewed for the purpose of determining who will be assigned to the customer on a "temp-to-perm" basis.
<i>TEMPORARY EMPLOYEE</i>	<p>An employee who does not make a commitment to an employer to work on a regular, ongoing basis but instead is free to accept (or reject) assignments at such times and for such lengths of time as the employee may choose. A temporary employee is obligated only to complete a particular assignment once one is accepted, but has no obligation to accept further assignments. (See <i>Part-Time Employee</i>)</p>
<i>TEMPORARY HELP COMPANY</i>	<p>An organization engaged in the business service of furnishing its own employees ("temporaries") to handle customers' temporary staffing needs and special projects.</p>

*TRY BEFORE
YOU HIRE*

See. *Temp-to-perm.*

WORK ORDER

An order received from a customer for a temporary staffing services's services. In the employment agency industry, the term "Job Order" refers to a request from a prospective employer authorizing the employment agency to find an appropriate prospective employee.

DEPARTMENT OF LABOR AND INDUSTRIES FIELD SERVICE LOCATIONS

Labor and Industries operates local offices to serve your needs. If you have questions, call the office nearest you by checking under **Washington, State of**, in the government or white pages of your telephone direction.

Region 1, Northwest Washington

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