

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 252

SENATE BILL 1494

AN ACT

AMENDING TITLE 23, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;
RELATING TO DAY LABOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 3, Arizona Revised Statutes, is amended
3 by adding article 3, to read:

4 ARTICLE 3. DAY LABOR

5 23-551. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "DAY LABOR" MEANS LABOR OR EMPLOYMENT THAT IS UNDER A CONTRACT
8 BETWEEN A DAY LABOR SERVICE AGENCY AND A THIRD PARTY EMPLOYER, THAT IS
9 OCCASIONAL OR IRREGULAR AND THAT IS FOR A LIMITED TIME PERIOD.

10 2. "DAY LABORER" MEANS AN INDIVIDUAL WHO CONTRACTS FOR DAY LABOR
11 EMPLOYMENT WITH A DAY LABOR SERVICE AGENCY.

12 3. "DAY LABOR SERVICE AGENCY" MEANS AN ENTITY THAT PROVIDES DAY
13 LABORERS TO THIRD PARTY EMPLOYERS AND THAT CHARGES THE THIRD PARTY EMPLOYERS
14 FOR THIS SERVICE.

15 4. "THIRD PARTY EMPLOYER" MEANS A PERSON THAT CONTRACTS WITH A DAY
16 LABOR SERVICE AGENCY FOR THE EMPLOYMENT OF DAY LABORERS.

17 23-552. Exemptions

18 THIS ARTICLE DOES NOT APPLY TO:

19 1. BUSINESS ENTITIES REGISTERED AS FARM LABOR CONTRACTORS.

20 2. TEMPORARY HELP SERVICES ENGAGED IN SUPPLYING WHITE-COLLAR
21 EMPLOYEES, SECRETARIAL EMPLOYEES, CLERICAL EMPLOYEES OR SKILLED LABORERS.

22 3. LABOR UNION HIRING HALLS.

23 4. LABOR BUREAU OR EMPLOYMENT OFFICES OPERATED BY A BUSINESS ENTITY
24 FOR THE SOLE PURPOSE OF EMPLOYING AN INDIVIDUAL FOR ITS OWN USE.

25 23-553. Day labor service agency; third party employer; duties

26 A. A DAY LABOR SERVICE AGENCY SHALL COMPENSATE DAY LABORERS FOR WORK
27 PERFORMED BY PROVIDING OR MAKING AVAILABLE COMMONLY ACCEPTED NEGOTIABLE
28 INSTRUMENTS THAT ARE PAYABLE IN CASH, ON DEMAND, AT A FINANCIAL INSTITUTION.

29 B. AT THE TIME OF PAYMENT OF WAGES, A DAY LABOR SERVICE AGENCY SHALL
30 PROVIDE EACH DAY LABORER WITH AN ITEMIZED STATEMENT SHOWING IN DETAIL EACH
31 DEDUCTION MADE FROM THE WAGES.

32 C. IN NO EVENT SHALL ANY DEDUCTIONS MADE BY A DAY LABOR AGENCY, OTHER
33 THAN THOSE REQUIRED BY FEDERAL OR STATE LAW, BRING THE DAY LABORER'S PAY
34 BELOW FEDERAL MINIMUM WAGE FOR THE HOURS WORKED.

35 D. A DAY LABOR SERVICE AGENCY SHALL NOT RESTRICT THE RIGHT OF A DAY
36 LABORER TO ACCEPT A PERMANENT POSITION WITH A THIRD PARTY EMPLOYER TO WHOM
37 THE DAY LABORER HAS BEEN REFERRED TO FOR WORK OR RESTRICT THE RIGHT OF A
38 THIRD PARTY EMPLOYER TO OFFER EMPLOYMENT TO A DAY LABORER.

APPROVED BY THE GOVERNOR APRIL 26, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26 2001.

Passed the House April 18, 20 01

by the following vote: 40 Ayes,

17 Nays, 3 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 20, 20 01

by the following vote: 19 Ayes,

10 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

S.B. 1494

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 24, 2001

by the following vote: 17 Ayes,

11 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2001,

at 3:28 o'clock P M.

[Signature]
Secretary to the Governor

APPROVED THIS 26 day of

April, 2001,

at 2:12 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26 day of April, 2001,

at 4:45 o'clock P M.

[Signature]
Secretary of State

S.B. 1494