

# Contingent Workers and Joint Employment

Kathryn Youker  
Texas RioGrande Legal Aid  
Brownsville, Texas

1

## Who are contingent workers?



**The Never-Never Girl.**  
(Invented by Kelly Girl.)

Never takes a vacation or holiday.  
Never asks for a raise.

Never costs you a dime for slack time. (When the workload drops, you drop her.)

Never has a cold, slipped disc or loose tooth.  
(Not on your time anyway!)

Never costs you for unemployment taxes and social security payments. (None of the paperwork, either.)

Never costs you for fringe benefits. (They add up to 30% of every payroll dollar.)

Never fails to please. (If our Kelly Girl employee doesn't work out, you don't have to be that sure of all our girls.)

**Kelly Girl**  
KELLY

499 of last year's FORTUNE 500 use Kelly Services. (Number 500, we want you!)

2

### Contractor

- Recruits, hires and fires workers
- Supervises workers
- Pays workers

### Company

- Labor contractor does not perform work for other companies
- Work is performed at company's site
- Company provides tools
- Work is integral to company's production process

## Independent contractors

3

### Temp or staffing firm

- Hires and fires workers
- Maintains payroll
- Administers benefits

### Client company

- Trains and supervises workers
- Monitors work
- Makes ultimate hiring and firing decision
- Work is performed at client company's site

## Temporary workers

4

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Contingent Workers and Joint Employment

Also available as part of the eCourse

[2019 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the  
26<sup>th</sup> Annual Labor and Employment Law Conference session  
"Contingent Workers and Joint Employment"