

# Temp agencies don't have to cut check immediately after each assignment

Temp agencies sometimes send their employees out on a series of short assignments—maybe just a day or two at any one location.

Some temp employees have tried to argue that they should be paid immediately for their work as soon as they finish a particular assignment—and not have to wait until the next regular payday. They've claimed that when each assignment ends, they are in effect being “discharged.” California discharged employees must immediately receive their earned wages.

Now a federal trial court has clarified that the end of an assignment isn't a “discharge.”

**Recent case:** Leisa Elliot sued Spherion Pacific Work, a staffing agency that hired temporary employees and assigned them to work for the agency's clients, claiming the California Labor Code required Spherion to pay her immediately at the end of any given temporary assignment. She claimed that she had, in effect, been discharged or fired each time she left one temporary job and had to wait until she was assigned to another job.

She also asked the court to let her represent all other similarly situated employees.

The court rejected her claims. It also concluded that neither federal nor California law required the temp agency to pay Elliot for the time she spent calling Spherion for work or filling out timesheets for the staffing agency. (*Elliot v. Spherion Pacific Work LLC*, No. 06-5032, CD CA, 2008)