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Revenge of the Temps; Independent Contractors' Victory in Microsoft Case May Have Wide Impact

The job as senior editor of the site would give him "a foot in the door" and likely become permanent, he recalled a supervisor saying. But after three years of working up to 90 hours a week, and even sleeping in his office, [Jim] Emerson said he found that the orange badge he and other contractors and temporary workers wore made him a lot different from the regular workers, who wore blue badges.

Though employers have leeway on pay, vacation and health-care issues, the court found, federal law requires that retirement benefits be uniform. So Microsoft has to make up to those who worked at least half time, or five months a year, the money they lost by not being offered company stock at a discount as full-time workers were, the court ruled. The court decisions haven't swayed Microsoft's position on the issue. Spokesman Dan Leach said Friday: "The employees of temporary staffing agencies are employees of temporary staffing agencies."

Temporary workers have long played an important role in the U.S. economy. Employers often turn to short-term employment forces to meet specific business needs, such as providing extra help during holiday seasons. But in recent years, many companies and some government agencies have reduced their regular staffs and hired more temporary workers, usually with less-generous or nonexistent benefit packages, to replace them. Sometimes they hire laid-off workers back as independent contractors.

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