**§ 916. Definitions.** As used in this article:

1. "Client" means a person who enters into a professional employer agreement with a professional employer organization.

2. "Person" means an individual, an association, a company, a firm, a partnership, a corporation, or any other form of legally recognized entity.

3. "Professional employer agreement" means a written contract whereby:

(a) A professional employer organization expressly agrees to co-employ all or a majority of the employees providing services for the client;

(b) The contract is intended to be on-going rather than temporary in nature;

(c) Employer responsibilities for worksite employees, including those of hiring, firing and disciplining, are expressly allocated by and between the professional employer organization and the client in the agreement; and

(d) The professional employer organization expressly assumes the rights and responsibilities as required in section nine hundred twenty-two of this article.

4. "Professional employer organization" means any person whose business is entering into professional employer agreements with clients. In determining whether the professional employer organization employs all or a majority of the employees of a client, any person employed pursuant to the terms of the professional employer agreement after the initial placement of client employees on the payroll of the professional employer organization shall be included. Temporary help firms and employment agencies, as defined in article eleven of the general business law, shall not be deemed to be professional employer organizations for purposes of this article.

5. "Temporary help firm" means a business which recruits and hires its own employees, and assigns those employees to perform work at or services for other organizations, to support or supplement the other organization's workforce, or to provide assistance in special work

situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects. A temporary help firm shall not be deemed to be a professional employer organization for the purposes of this article.

6. "Worksite employee" means a person having an employment relationship with both the professional employer organization and the client. Such term may also include the client's officers, directors, shareholders or partners to the extent such persons act as operational managers or perform services for the client.