



## Staffing

### *Overview*

**As trusted advisers to temporary staffing and alternative staffing businesses since the early days of the industry, we understand the unique demands and shifting dynamics you encounter. You must keep pace with evolving staffing platform options and terminology and be prepared to adopt complex multi-party relationships to better serve clients – all while adapting to evolving laws and regulations, the rise of AI and flexible work, economic uncertainties and increasing competition.**

**We have helped industry clients tackle all these and more. That’s why working with us is seamless from day one. We know your business climate, are attuned to your needs, and provide solutions that will work for *you*.**

**We are proud members and sponsors of the American Staffing Association (ASA) and Staffing Industry Analysts (SIA). Moreover, we are thought leaders in the intersection of staffing and employment law, contributing our insights to influential periodicals and legal conferences aimed specifically at the staffing industry.**

### **LITIGATION AND EPLI CLAIMS**

We routinely represent staffing companies involved in employment litigation (including wage and hour litigation, employment discrimination claims, restrictive covenant cases, and many other areas) and have deep experience defending Employment Practices Liability Insurance (EPLI) claims against staffing firms and their clients. Additionally, we handle disputes between staffing companies and clients, including litigation over service agreements and contract enforcement.

Fisher Phillips understands the urgency of efficiently managing and defending these claims, so we are committed to vigorous defense while prioritizing efficiency, practicality, and clear communication with our clients. Our lawyers leverage advanced technology and extensive knowledge management resources to maximize our effectiveness.

## **BENEFITS, PAYROLL TAX, AND UNEMPLOYMENT INSURANCE CONSULTING, AUDITS, AND DISPUTES**

Our team of benefits and payroll tax attorneys is well-versed in the complexities of staffing company benefits and tax compliance. We offer daily consulting services, along with audit and dispute representation. Additionally, we provide a wealth of experience in unemployment insurance consulting and represent clients in disputes before courts and administrative agencies.

## **STAFFING REGULATION AND LICENSING**

While the staffing industry has long been a target of worker advocates and regulators, recent years have seen a sharp uptick in legislation aimed specifically at the staffing industry. This includes legislation in New Jersey and Illinois that attempts to mandate “equal pay and benefits” between temporary employees and permanent employees of the client. We have been at the forefront of helping staffing firms navigate these recent compliance challenges. In addition, when staffing companies fall under the umbrella of industry licensing at the state level (including healthcare staffing), we are called upon to assist them as well.

## **CONTRACTS**

Service agreements serve as the foundation for staffing businesses, providing a defense against various threats, whether from private parties or other sources. We assist staffing companies in drafting, modifying, and updating their service agreements to align with their unique business models and ensure compliance with regulatory requirements.

## **HUMAN RESOURCES AND WORKSITE EMPLOYEE COMPLIANCE**

We create and update all types of human resources documents (including handbooks, policies, templates and other materials), leveraging our attorneys’ vast experience and Fisher Phillips’ comprehensive knowledge management resources. Our seminars and training programs ensure your HR professionals stay informed about the latest legal developments and best practices. Additionally, we offer on-demand consulting (including compliance auditing services) for employee relations issues, providing advice and strategies to confront and overcome everyday HR challenges.

## **MERGERS AND ACQUISITIONS DUE DILIGENCE**

We collaborate with staffing companies, investors, and their corporate transactional counsel to perform due diligence and offer consulting services during the acquisition and sale of staffing firms.

Our lawyers are invaluable assets in any staffing company transaction because transaction counsel frequently calls on us to address industry-specific concerns.

## **STARTUP STAFFING COMPANIES**

We help startups navigate the legal complexities that can derail their success. Our services include assisting with initial service agreements and other essential documents, employee onboarding and offboarding protocols, benefits plan design and strategy, liability insurance planning, and ensuring compliance with any licensing and registration requirements. We also help startups address issues related to business and legal strategies as they arise.

## **WORKPLACE SAFETY AND WORKERS' COMPENSATION INSURANCE**

Government regulators at the federal and state levels have placed a significant focus on workplace safety issues involving staffing firms and their workers. Drawing on experience from an array of industries and the government, our extensive team of workplace safety lawyers is an invaluable resource for staffing companies seeking consultation. We work with staffing firms to comply with federal and state workplace safety requirements and help defend against agency investigations and citations. We also provide strategic assistance with workers' compensation insurance matters, including captive consulting and premium audits/disputes.

## **IMMIGRATION**

Staffing companies (particularly those in the healthcare and travel nursing space) face a number of immigration-related challenges concerning their internal workforces and the temporary employees they supply to clients. With a sole focus on immigration law and an in-depth knowledge of the staffing industry's unique challenges, our team is ideally positioned to help you avoid risks in this area.

## **GOVERNMENT RELATIONS**

We help staffing businesses interpret and respond to state and federal regulatory actions before legislative bodies, regulatory offices, and in courts. Indeed, some of our lawyers helped develop key laws impacting the staffing industries – experience we draw upon to advise our staffing clients on compliance. In addition, our deep bench of government relations professionals and legislative advocates helps make sure the voice of the staffing industry is heard in state houses and in the halls of Congress.

## **PRIVACY/DATA SECURITY AND ARTIFICIAL INTELLIGENCE**

Without any comprehensive federal legislation, states (and even local jurisdictions) are moving forward to regulate consumer data privacy and artificial intelligence. This patchwork of rules raises compliance challenges and has some unique nuances for staffing firms. Our Privacy and Cyber and

AI, Data and Analytics teams are at the forefront of the intersection of these issues and employment law. We can keep you updated on these evolving areas of regulation and make sure you are compliant.

## ***Insights***

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INSIGHTS

10/14/24

### **FP Snapshot on the Staffing Industry: NLRB GC's Crackdown On "Stay-or-Pay" Provisions and Non-Competes Demands Your Attention**

Rebecca Bovinet, Catherine "Ree" Harper

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INSIGHTS

07/30/24

### **Staffing Industry Needs to Prepare For Changes After Groundbreaking SCOTUS Ruling Pulls Power From Federal Agencies**

Benjamin M. Ebbink, Catherine "Ree" Harper

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NEWS

07/25/24

### **New Jersey Partner Discusses New Jersey's Temp Worker Pay Mandate and Potential Impact on Staffing Industry**

Sarah Wieselthier

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INSIGHTS

05/24/24

### **Minnesota Staffing Agencies Can No Longer Block Workers From Being Hired at Client Companies: 5 Things You Should Know**

Jonathan Crook, Benjamin M. Ebbink, Michael P. Elkon

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INSIGHTS

03/15/24

### **Court Halts Enforcement of Equal Benefits (But Not Equal Pay) Rules for Illinois Staffing Agencies and Their Clients: 3 Major Takeaways**

Jessica D. Causgrove, Shane Stover

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INSIGHTS

03/08/24

## Illinois Staffing Agencies and Clients Should Prepare for Equal Pay Rules: 4 Steps to Take Now

Jessica D. Causgrove, Shane Stover

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12/04/23

### Staffing Agencies Will Be Using AI in 2024 – Your Overview of the Benefits and the Risks

Benjamin M. Ebbink, Emily N. Litzinger, Erica G. Wilson

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INSIGHTS

11/07/23

### Illinois Staffing Agencies and Their Clients Should Review Practices for Compliance with Day and Temporary Labor Services Act

Shane Stover

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INSIGHTS

08/15/23

### 5 Key Takeaways for New Jersey Employers and Staffing Agencies as State Issues Proposed Regulations for Sweeping Temp Labor Law

Alba V. Aviles, Rosemary S. Gousman, Sarah Wieselthier

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NEWS

03/30/23

### Staffing Industry Analysts Cites Fisher Phillips Insight on Uptick in Organizing and Recent NLRB Guidance Memos

Alexander A. Wheatley

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