

# ASA 2011 Staffing Law Conference

April 12–13

Westin Washington, DC,

City Center Hotel

## A Program Devoted to Legal and Regulatory Issues Facing Staffing Firms



**W**ith many recent legal and legislative developments affecting the staffing industry, here's an important and timely opportunity to learn what you need to know to protect yourself and your business.

The American Staffing Association's third annual national conference devoted specifically to legal issues that affect the staffing industry is designed to benefit staffing company owners, executives, and managers; certified staffing professionals; human resource professionals; and staffing industry lawyers.

This one-of-a-kind, staffing-specific legal conference features the expertise of prominent in-house staffing company attorneys as well as law firm attorneys who regularly advise staffing companies on employment law and other relevant issues.

These experts will cover some of the most vexing and complex legal and legislative issues currently facing the industry, and provide practical guidance on how to stay up-to-date and comply with the law.

The conference also will include a special session to discuss the most recent developments under the Affordable Care Act—the federal health care reform law—and how the law will affect the staffing industry.

And, at the end of the conference, there will be an open forum where attendees can pose their most pressing legal questions to the experts.

Attendees can also schedule visits with their congressional representatives to explain how staffing firms create jobs and contribute to the U.S. economy.

Following their Capitol Hill visits, all attendees are invited to have dinner with ASA leadership.

**Visit [americanstaffing.net/lawconference](http://americanstaffing.net/lawconference)  
for the latest updates and to register.**

# Agenda

## Tuesday, April 12

- 7:45–8:45 a.m. ASA Legal and Legislative Committee Breakfast  
*(committee members only)*
- 8:30 a.m.–5 p.m. Registration Desk Open
- 9–9:15 a.m. Welcome and Opening Remarks
- 9:15–10:45 a.m. The Regulators Speak: Enforcement Agendas of DOL, EEOC, and ICE
- 10:45–11 a.m. Break
- 11 a.m.–12:15 p.m. Social Media: The Good, the Bad, and the Uncertain
- 12:30–2 p.m. New Priorities in the 112th Congress—Lunch With Rep. John Kline
- 2:15–3:45 Indemnity and Other Onerous Provisions in Staffing Contracts—Getting to “Yes” With Sales Staff and Clients
- 3:45–4 p.m. Break
- 4–5:15 p.m. Worker Misclassification in Staffing
- 5:15–6:15 p.m. Networking Reception
- 6:15 p.m. Dinner *(on your own)*

## Wednesday, April 13

- 7:30–8:30 a.m. Continental Breakfast
- 7:30 a.m.–12 noon Registration Desk Open
- 8:30–10 a.m. Health Care Reform and What it Means for Staffing Firms
- 10–10:15 a.m. Break
- 10:15–11:45 a.m. Q&A and Update on Current Legal and Legislative Threats
- 11:45 a.m. Lunch *(on your own)*
- 12 noon–6 p.m. Capitol Hill Visits *(by appointment)*
- 1–4:30 p.m. ASA Chapter Leadership Council Meeting
- 1–5:30 p.m. ASA Executive Committee Meeting
- 4:30–6:30 p.m. Break
- 6:30–9 p.m. ASA Leadership Dinner  
*(off-site—separate registration fee required)*

## Thursday, April 14

- 8:30 a.m.–12 noon ASA Chapter Leadership Council Meeting

## Session Descriptions

### Tuesday, April 12

#### 9–9:15 a.m.

##### Welcome and Opening Remarks

*Bill Yoh, CSP, TSC, chairman, Yoh, and chairman, American Staffing Association*

#### 9:15–10:45 a.m.

##### The Regulators Speak: Enforcement Agendas of DOL, EEOC, and ICE

The past year has seen a significant increase in employer audits and fines. A panel of senior level representatives from the U.S. Department of Labor, the Equal Employment Opportunity Commission, and Immigration and Customs Enforcement will discuss their respective agencies’ wage and hour, antidiscrimination, and immigration enforcement agendas and efforts, and what those mean for staffing firms.

#### 11 a.m.–12:15 p.m.

##### Social Media: the Good, the Bad, and the Uncertain

*Gerald L. Maatman Jr., Esq., partner, Seyfarth Shaw LLP*

Does your staffing firm tweet? Use Facebook for recruiting? Link in to expand its client base? Widespread use of Facebook, LinkedIn, and other social media sites has created a new wave of

potential liability. Maatman will address the legal do’s and don’ts of using social media, and discuss whether information gleaned from social media sites can be trade secrets, if the use of social media can violate noncompete agreements, and whether candidate online photos or videos present discrimination issues.

#### 12:30–2 p.m.

Luncheon

##### New Priorities in the 112th Congress—Lunch With Rep. John Kline, chairman of the U.S. House Committee on Education and the Work Force

#### 2:15–3:45 p.m.

##### Indemnity and Other Onerous Provisions in Staffing Contracts—Getting to ‘Yes’ With Sales Staff and Clients

*Steven J. Whitehead, Esq., of counsel, Barnes & Thornburg LLP*  
*James A. Essey, CSP, president and chief executive officer, the TemPositions Group of Cos.*

*Diana R. Karabelas, Esq., deputy general counsel, Adecco Group North America*

In this interactive session, panelists will explain how they get their firms’ sales staff to understand and utilize the “Whose business is it?” philosophy when negotiating indemnity and other onerous contract provisions with clients. The panelists also will recount their success stories in persuading clients to abandon one-sided indemnity clauses in favor of provisions that fairly apportion risk based on the principal that each party is responsible for the risks associated with its own business.

4–5:15 p.m.

### Worker Misclassification in Staffing

*Lisa Ann Cooney, Esq., general counsel, Yoh*

*Whitney M. Laughlin, Esq., senior corporate counsel,*

*AMN Healthcare Inc.*

*Leslie Stoner, director, product development, Kelly Services Inc.*

The economic downturn increased pressure on staffing firms and clients to consider classifying temporary workers as independent contractors. At the same time, the federal government and many states have stepped up enforcement of existing laws and are considering new laws to ensure that individuals are properly classified. This panel of experts, moderated by ASA general counsel Stephen Dwyer, Esq., will address when it is permissible to classify temporary workers as independent contractors, and the pros and cons of doing so.

## Wednesday, April 13

8:30–10 a.m.

### Update on Health Care Reform

*Alden J. Bianchi, Esq., chairman, compensation and benefits practice;*

*Mintz, Levin, Cohn, Ferris, Glowsky & Popeo PC*

*James A. Essey, CSP, president and chief executive officer, the TemPositions Group of Cos.*

*Edward A. Lenz, Esq., senior vice president, legal and public affairs, American Staffing Association*

The Affordable Care Act may have a greater impact on the staffing industry than any other federal legislation. What steps can you take now to brace for all of the new employer responsibilities under the law? How will the employer excise tax provisions affect your firm? What is ASA doing on Capitol Hill to mitigate the impact of the law on the staffing industry? Get an update on health care reform, White House plans for implementation, and what the new Congress has in store.

10:15–11:45 a.m.

### Q&A and Update on Current Legal and Legislative Threats

Ask the experts. Back by popular demand, this open forum will give attendees the opportunity to ask the ASA legal staff and conference presenters questions that may not have been covered during earlier sessions. ASA lawyers will also update attendees on class action lawsuits (such as for payment for candidate interview time and recruiter overtime), state and federal legislation, and other current industry issues.

12 noon–6 p.m. (approximately)

### Capitol Hill Visits

*By appointment*

Capitol Hill is a short cab ride from the conference hotel. Visit with your congressional representatives and their staffs to make sure they know how your company and the industry help the economy by creating jobs for individuals and providing work force flexibility for businesses. Because legislators are generally more responsive to their constituents, ASA suggests that attendees make their own appointments. Please call ASA for the most current contact information.

6:30–9 p.m.

### ASA Leadership Dinner

Join ASA leaders for an evening of fine dining in the nation's capital at one of Washington's best restaurants. Separate registration fee required.

*The agenda, session descriptions, and slate of speakers are preliminary and may be subject to change.*

## Continuing Education

Staffing professionals who have earned the ASA Certified Staffing Professional™ or Technical Services Certified™ designations must renew their certifications every three years by earning 30 hours of approved continuing education. Six of the hours must pertain to employment law.



The ASA staffing law conference provides 9.5 CE hours, fulfilling the 6 hour requirement for legal CE plus 3.5 hours that apply to the general CE requirement.

## Continuing Legal Education for Attorneys

This program may qualify to be approved by state bars for continuing legal education. Attorneys interested in seeking CLE for the staffing law conference should contact their state bars for consideration. ASA will provide documentation that may be required to validate participation in the staffing law conference.

## Registration Information

Register online at [americanstaffing.net/lawconference](http://americanstaffing.net/lawconference).

Registrations received without payment will not be processed. Each registrant will receive a separate confirmation by e-mail.

Advance registration with full payment of fees must be received in the ASA office by April 1. After that date, on-site registrations will be accepted on a space-available basis for an additional \$100 each.

Cancellations must be received in writing in the ASA office by April 1. After that date, no refunds will be awarded. Alternate registrants will be accepted in lieu of cancellation. All cancellations will be assessed a 20% administrative charge. No refunds for no-shows.

## Registration Fees

	Member of ASA or Affiliated Chapter	Nonmembers
Advance (by April 1)	\$539	\$639
On-Site (after April 1)	\$639	\$739
ASA Chapter Board Members	\$389	■
ASA Leadership Dinner	\$90	\$90
Recordings	\$99	\$99

### Questions?

Contact ASA at 703-253-2020 or [slc@americanstaffing.net](mailto:slc@americanstaffing.net).

## Session Recordings Discounted for Attendees

Oral presentations of staffing law conference sessions will be audio recorded for online access (with handouts) via *ASAPro*—the ASA professional development center—in May.

Conference attendees can save hundreds of dollars by ordering the full set of recordings with their registration.

Get the full set for \$99 when ordered with registration, and be notified by e-mail when the sessions are posted on *ASAPro*, where they'll be priced at \$79.95 each for members and \$109.95 for nonmembers. The seven main sessions of the staffing law conference would cost ASA members nearly \$560 if purchased separately on *ASAPro*.

As a conference attendee, take advantage of this special offer to save time and money when you order the recordings with your registration, and know that you'll be able to share the valuable staffing law conference experience with your office colleagues.

## Hotel and Travel Information

### Westin Washington, DC, City Center Hotel

1400 M St. NW, Washington, DC 20005  
202-429-1700 ■ Reservations: 800-937-8461

Discounted room rate until March 21: \$257 single or double

Make reservations by calling 800-937-8461 and asking for the 2011 ASA Staffing Law Conference group rate. The discounted group rate applies to reservations made by March 21, subject to room availability. After March 21, reservations may be accepted at the hotel's prevailing rate, space permitting. Check in starts at 3 p.m.; check out by 12 p.m.

## Sightseeing

Whether you have a few hours before your flight leaves or you're taking a few days to enjoy the nation's capital, Washington has something for everyone.

The conference hotel is conveniently located in the heart of the city, close to the National Mall. It's an easy walk to museums, monuments, the White House, and countless restaurants and shops. If you want to explore sites farther away, just hop on the Metro, the city's subway system, with a stop only two blocks from the hotel.

If you're planning on visiting Capitol Hill, check out the new visitor center to get more information on the Capitol, including maps, tours, and nearby activities. Visit the center's Web site at [visittbecapitol.gov](http://visittbecapitol.gov).

## ASA Corporate Partners

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