



The resources, information, and tools you need right now

for

YOU

Don't Miss This!

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2020 ■ No. 1

COVID-19: Effects on the Staffing Industry

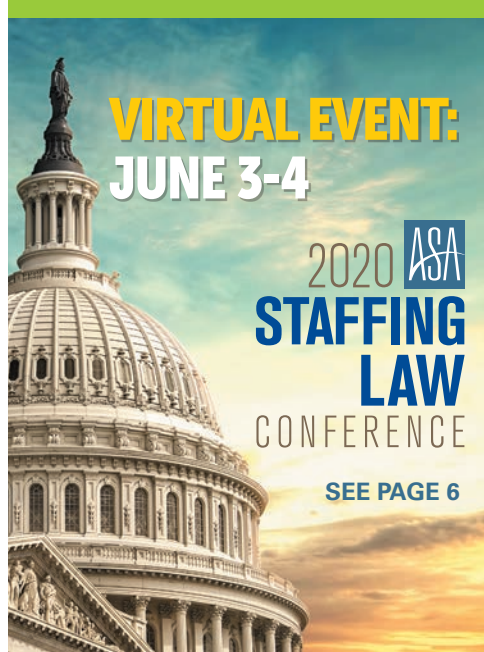
ASA Provides Continuously Updated Resources on AmericanStaffing.net/Covid-19

There's no doubt that the effects of Covid-19 (coronavirus) are widespread—and the nation's businesses and employees (especially staffing firms) are being hit hard. On March 18, the president signed into law the Families First Coronavirus Response Act, which temporarily provides for expanded paid leave for employees. But what does it mean for your business? And what are staffing firms' obligations under the law?

Protecting the safety and advancing the well-being of the nation's staffing employees has always been a top priority for ASA. Thus, the association is working swiftly to provide staffing companies with the information they need regarding Covid-19. A focused website—americanstaffing.net/covid-19—is being continuously updated with resources staffing companies can use to address the safety of their workforces and find reliable information about the coronavirus, including

- **Webinars** led by ASA lawyers as well as outside counsel specific to staffing companies and the effects of Covid-19 on operations, staffing firms' obligations under the law, and more.
- **FAQs** that comprehensively address the issues staffing companies are facing during the Covid-19 pandemic.

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VIRTUAL EVENT:
JUNE 3-4

2020 **ASA**
STAFFING
LAW
CONFERENCE

SEE PAGE 6

Marijuana and the Workplace

ASA Offers Resources on Laws and Regulations

Employers face a confusing patchwork of federal and state laws regarding marijuana, and the consequences of a positive test are not always clear. While federal law continues to treat all marijuana as a Schedule I substance and illegal under the Controlled Substances Act, states have increasingly legalized marijuana for both medical and recreational use.

As of January 2020, more than 30 states have legalized medical marijuana, and about a dozen

SEE PAGE 3



Your **Legal and Legislative** Need-to-Know

When you don't have time to read everything a lawyer has to...

Covid-19: Q&A Specific to Staffing

As part of its ongoing effort to provide the latest and most useful resources to members, ASA partnered with Seyfarth Shaw LLP, which prepared a comprehensive question-and-answer document that specifically addresses the issues staffing companies are facing during the Covid-19 pandemic (focusing on client and candidate procedures and communications).

Below are a few excerpted Q&As. Find the full document, as well as many more Covid-19 resources specific to staffing firms, at americanstaffing.net/covid-19.

Prehire and Hiring

1. May a staffing firm or client use a prescreening questionnaire before letting employees/visitors/applicants into the workplace? Yes. It is permissible to ask these groups of visitors screening questions about symptoms, travel, and exposures that reflect risk of potential exposure to Covid-19.

2. Can a staffing firm ban workers from traveling either domestically or internationally—either for work or personal travel? A staffing firm may restrict business travel as it chooses. While a staffing firm may not prohibit workers from traveling to certain destinations for personal travel, it may require those workers to self-quarantine for 14 days upon return. Staffing firms should advise workers contemplating travel of this possibility.

While on Assignment

3. Can a staffing firm ask a client whether it has had a recent case of the virus, and whether a temporary worker is being requested to

fill in for a sick worker? Yes. Staffing firms can and should make inquiries to determine whether they are sending their workers to a safe and healthful work environment. The potential for exposure to Covid-19 is an inquiry that staffing firms should make before assigning a worker to a client site. In addition, inquiries into the client's protocols for preventing spread of Covid-19 in its workplace are appropriate.

4. Can a staffing firm require temporary employees to seek medical attention and/or a Covid-19 test if it believes the employees are showing virus symptoms? Can temporary employees be terminated or dismissed from future assignments if they fail to do so? No. Employers cannot force employees to seek medical attention or obtain a Covid-19 test, although they can encourage them to do so. They can, however, require employees to demonstrate fitness for duty as a condition of returning to work.

5. If a worker is sent home to quarantine, can staffing firms require a medical release or doctor's note before permitting the worker to return to work? Yes. However, obtaining a note may be difficult due to an overwhelmed health care system during the crisis. Accordingly, some flexibility may be necessary.

6. Can a staffing firm ask employees about a specific diagnosis, or just their symptoms? In the context of the Covid-19 pandemic, such inquiries are permissible. Any information about an employee's diagnosis must be kept confidential. Also, while the inquiry may be permissible currently, it is because of the current public health emergency. This is not an inquiry staffing firms should ordinarily make.

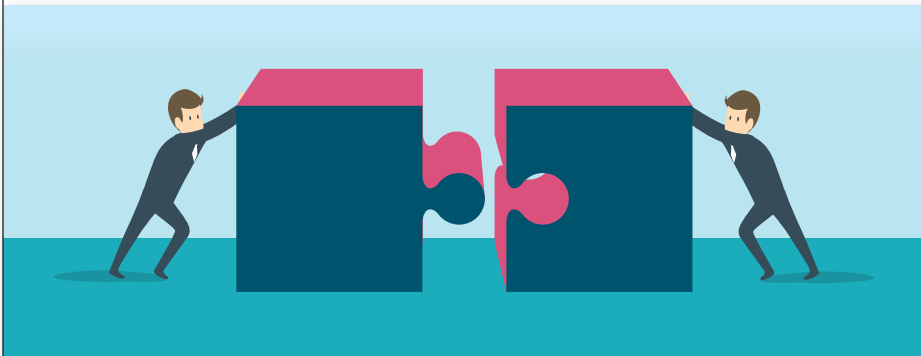
7. Can a client refuse to accept a worker that had the virus but has since recovered? No. Refusing to accept a worker who no longer poses a threat to the workplace based on the employee's previous Covid-19 diagnosis likely violates the Americans With Disabilities Act and similar state laws.

Occupational Safety and Health Administration

8. Are there any legal risks associated with not mandating quarantine or requiring removal of sick workers? Yes. There could be OSHA liability for violation of the general duty clause under which an employer must provide a workplace free from recognized hazards exposure to which will likely cause serious injury or death. Moreover, allowing potentially infected workers to remain in the workplace could generate workers' compensation and tort liability if doing so causes others to become infected with Covid-19.



- **Sample templates**, including a staffing agreement amendment for remote work arrangements, and letters to temporary and contract employees and staffing clients that companies can use to communicate about Covid-19.
- **The latest Covid-19 news** from ASA as well as other critical sources.
- **Links to pertinent resources** from the Centers for Disease Control, World Health Organization, Occupational Safety and Health Administration, U.S. Department of Labor, and much more.



These times of unexpected and unprecedented challenge have brought association members to ASA for guidance and collaboration in record numbers. We are a united community, and our common focus on the interests of our industry, talent, clients, and the U.S. economy as a whole will get us through this most difficult challenge.

Continue to check *americanstaffing.net/covid-19* for updated webinars, frequently asked questions, news that could affect staffing company operations or the safety of employees, and more. And feel free to reach out to the ASA legal team with any questions you may have: 703-253-2020.

ASA and RILA Partner to Address Critical Need for Temporary Workers

ASA and the Retail Industry Leaders Association have joined forces to offer an innovative solution to address the immediate, acute need to fill openings for retail workers at essential businesses like grocery stores and pharmacies that are providing critical services during the course of the Covid-19 pandemic.

Americanstaffing.net/rila is an online, searchable directory that connects RILA member retailers to ASA member staffing agencies that can fill high-demand roles like warehouse workers; store clerks for unloading, stocking, cleaning, and sanitizing; cashiers and greeters; forklift selectors and pickers; and delivery drivers.

ASA Events Will Continue Virtually!

Upcoming in-person ASA events (including Staffing Connect: East, ASA Staffing Law Conference 2020, and Staffing Connect: South) will now be offered virtually. Content will be timely, and the experience will be engaging. **Visit *americanstaffing.net/events* to learn more and register today.**

Marijuana CONTINUED FROM PAGE 1

have legalized marijuana for recreational or “adult” use. To help its members navigate the variety of state laws pertaining to recreational and medical marijuana use, ASA has published a new web page offering legal and practical resources—including links to the most up-to-date news and legal surveys, an issue paper, webinar recordings, and more.

Visit *americanstaffing.net/marijuanalaws* to explore the available guidance.

Need Help Identifying the Laws in Your State?

The Marijuana and the Workplace site includes a quick reference guide by Fox Rothschild Cannabis Practice listing the relevant laws and statutes governing marijuana usage in each state. Visit *americanstaffing.net/marijuanalaws*.



Try Out Your New myASA Workspace

Updated ASA Website Features Powerful Search and Content Culled to Your Interests

Once you sign in to **americanstaffing.net** you'll notice that things look a little different. But the biggest change is how the updated site will work for you and increase your productivity. Top-notch industry content is now backed by a powerful new search engine and your personalized myASA Workspace—where you can choose, save, and receive the information that is most relevant to you. Here's how it works.

1 GO TO **AMERICANSTAFFING.NET** AND SIGN IN USING YOUR MEMBER CREDENTIALS.

Use the sign-in link in the upper right-hand corner of your screen. If you don't remember your password, you can reset it. If you need additional help, contact ASA at 703-253-2020 or email asa@americanstaffing.net.

2 CHECK OUT YOUR NEW MYASA WORKSPACE AND EXPLORE YOUR OPTIONS.

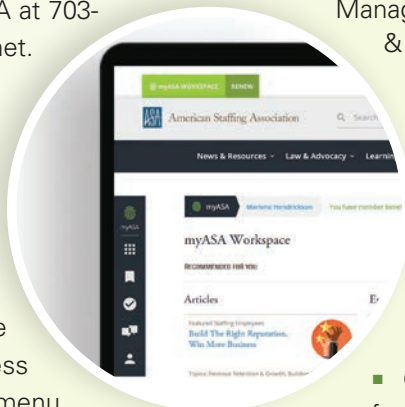
After you sign in to the website, you'll automatically land in your personalized myASA Workspace. Whenever you are signed in to the ASA website you can access your workspace by using the vertical menu bar on your left—or by clicking the green myASA Workspace button at the top left of your screen.

3 CHOOSE TOPICS, SAVE CONTENT, MAXIMIZE YOUR SUCCESS.

Whenever you are navigating the ASA website, you can easily save content, including issue papers, magazine articles, best practices, and more. That content becomes easily accessible in your personalized myASA Workspace. Plus, ASA will recommend content based on your interests.

Here are a few suggestions to get you started:

- Go to **My Interests** in the vertical navigation bar (click on the ✓ icon) and choose from these topics: Leading People, Business Management & Administration, Revenue Retention & Growth, Compliance & Risk Management, Staffing Technology, and Research & Data. When you click on a topic tile, it will flip over so you can choose subtopics, too.
- Remember to save content as you surf the site. Any time you are reading something that you're interested in or want to save for later, click the **Save icon** that is adjacent to the content title. That saves the content to your myASA Workspace.
- Other benefits** of your new myASA Workspace include one-click access to the online community on ASA Central (click on the 🗨️ icon). You can also go straight to your member profile (click on the 👤 icon), where you can manage your password, access your online communities, and more.



ASA wants to know what you think about your new online experience! Send your comments and suggestions to success@americanstaffing.net.

Showcase Your Firm's Accomplishments, Educate Clients



Winning a Prestigious ASA Award Can Help You Differentiate Your Company

ASA honors the exemplary citizens, unsung heroes, and outstanding efforts of staffing companies and their employees through a number of annual award programs. Award recipients are announced in ASA publications and honored at the annual Staffing World® convention, and are part of national public relations and social media campaigns to promote industry professionalism.

Note that the deadline for all ASA award programs has been extended to July 1, and there are no fees to enter.



The **ASA Elevate Awards** honor the most innovative work-based learning programs that train, reskill, and upskill temporary and contract employees. Any skills development program developed and managed by an ASA member staffing agency for temporary or contract employees is eligible.



The **National Staffing Employee of the Year** program, sponsored by StaffPro³—

a division of PMC Insurance Group, honors a current or former temporary or contract employee with an extraordinary staffing success story to share.

The winner receives all-expenses-paid, deluxe travel and hotel accommodations for Staffing World® 2020, Oct. 20–22 in Nashville; a \$5,000 gift card; and recognition via news releases, social media, ASA publications, and more.

ASA also recognizes All-Stars—if merited—in each industry sector: engineering, information technology, and scientific; health care; industrial; office—

clerical and administrative; and professional—managerial.

The program is open to active ASA member agencies and branches, and staffing agencies are free to nominate more than one temporary or contract employee.

The **ASA Care Awards**, recognizing ASA members that have made outstanding efforts in the area of social responsibility, are now biennial. The next competition will open in 2021.

Visit americanstaffing.net/awards to learn more and enter all the ASA award programs.

Meet Will Bennett, 2020 National Staffing Employee of the Year

Working with a staffing agency gave Bennett the desired flexibility to spend time with his family (especially his daughter, who was diagnosed with dyslexia and required advanced help with school) and helped launch him on his path of continued professional growth.

ASA also announced National Staffing Employee of the Year All-Stars in five industry sectors. Read more about Bennett and the other All-Stars at americanstaffing.net/nsey.



Sneak Preview: ASA Staffing Law Conference 2020

Learning and Networking Will Continue Virtually—Join Us June 3–4



The ASA Staffing Law Conference is the only event dedicated exclusively to the legal and regulatory issues facing staffing, recruiting, and workforce solutions companies. Nowhere else will you find such high-caliber and targeted industry content. And just because everyone is keeping their distance doesn't mean that learning should be put on hold! **This year's conference—including the expo—will be completely virtual and will be held on a new date: June 3–4.**

This year's sessions are dedicated to helping you manage the many legal situations arising from the Covid-19 epidemic, including

- Legal issues in remote work arrangements
- Lawyer and client relations in a time of crisis
- Employer obligations when employees return to work
- And much more!

Plus, it's a great opportunity to earn continuing education hours (including legal CE) toward maintaining your ASA credential. **Visit staffinglawconference.net for more information.**



ASA Temporary Help Wage Tool Updated and Expanded

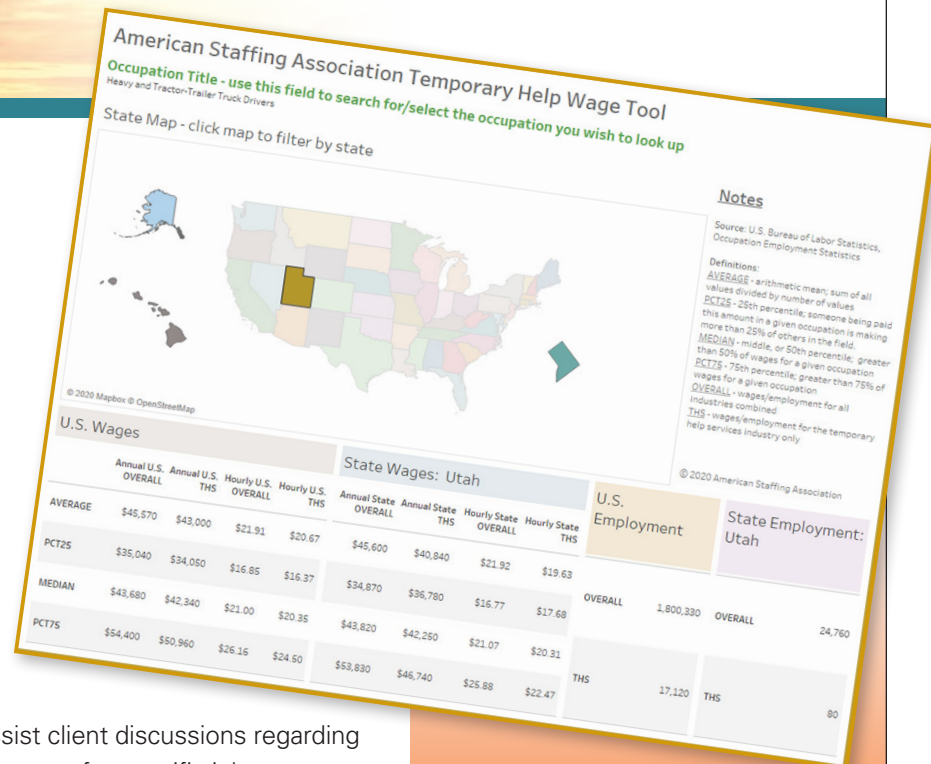
The ASA Temporary Help Wage Tool examines employment and wage estimates for more than 800 occupations by state, with a focus on the temporary help services industry. It has been revised to provide more state-level detail than ever before, and redesigned in a simpler layout.

Use this exclusive members-only tool to inform strategic decisions.

- Benchmark nationwide and state temporary wages.
- Compare staffing industry wages and employment with all industries.

- Assist client discussions regarding pay rates for specific jobs.

This interactive tool provides annual salary, hourly wage, and level of employment for occupations at the national level and by state, for all industries and temporary help services specifically.



Visit americanstaffing.net/wage-tool to learn more and download the wage tool.

ASA Staffing Tech Center: Your Solutions Hub

New Tech Vendor Profile Pages Help Make Decisions Easier

The technology-related solutions available to the staffing, recruiting, and workforce solutions industry are vast, and not always easy to interpret and implement. The ASA Staffing Tech Center, americanstaffing.net/techcenter, is here to help.

Staffing Technology Ecosystem

The tech microsite's main offering is the Essential Elements of Staffing Technology—a first-of-its-kind discovery and discussion tool, made in partnership with Talent Tech Labs, to help industry leaders better understand technology's role in staffing—present and future. This integrated ecosystem map details the functionality of emerging technologies and companies along the staffing and recruiting continuum of "source, engage, select, and hire."

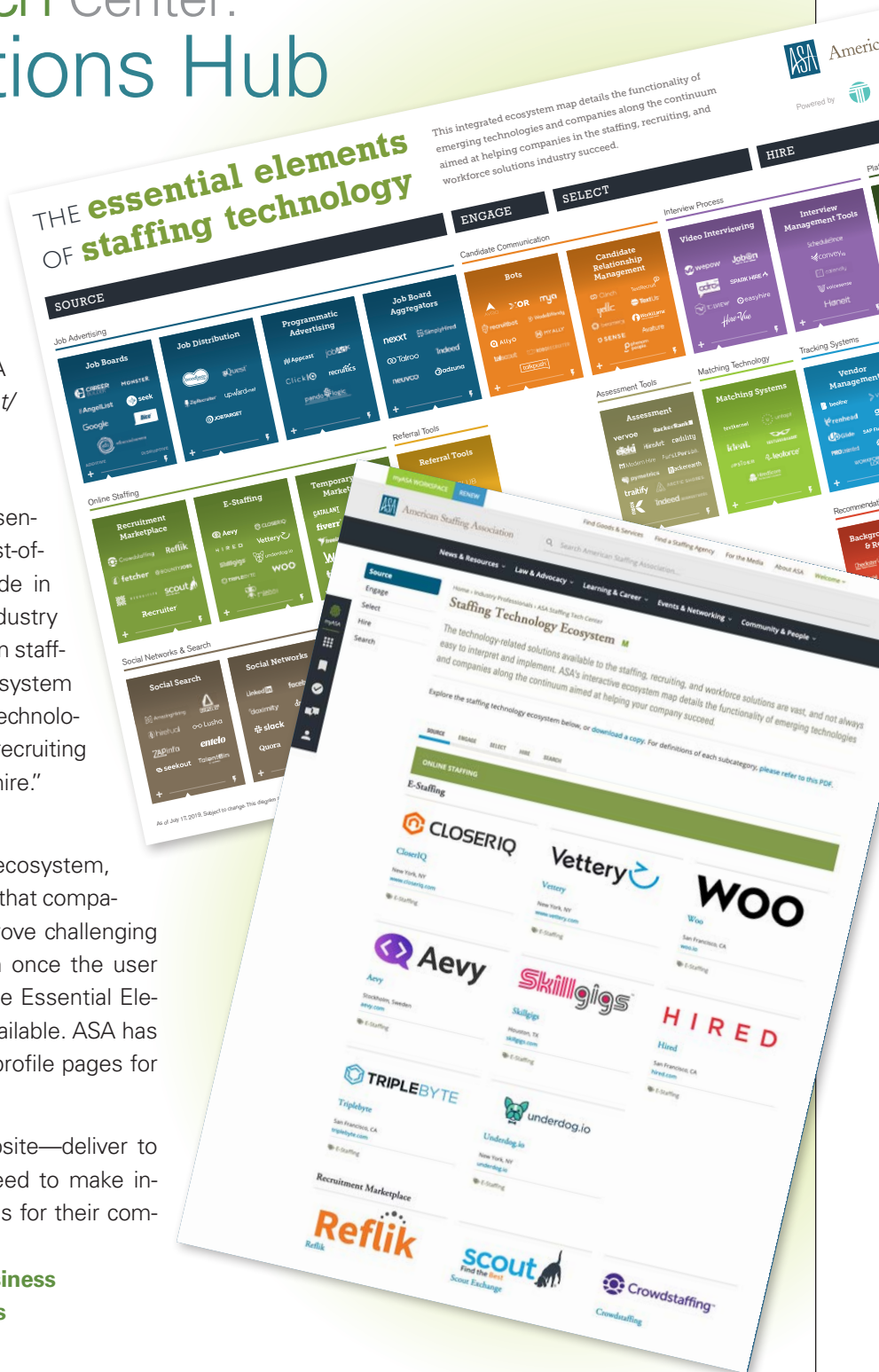
Vendor Profile Pages

In past iterations of the staffing technology ecosystem, each tech company logo was hyperlinked to that company's website. However, at times it could prove challenging to home in on staffing-specific information once the user left the ASA Staffing Tech Center, where the Essential Elements of Staffing Technology resource is available. ASA has now introduced new informational vendor profile pages for each company in the ecosystem.

These profile pages—part of the ASA website—deliver to members the targeted information they need to make informed decisions about technology solutions for their companies. Each page provides:

- How long the company has been in business
- Which specific tech solutions it provides
- Revenue model
- Headquarters location information
- Contact information
- Staffing verticals served
- The company's unique differentiator
- And more

Visit americanstaffing.net/techcenter to learn more and start utilizing all these ASA resources and more.



Only members of ASA can access all the features of the Essential Elements of Staffing Technology, including the new profile pages as well as an easy-to-print PDF of the ecosystem for at-a-glance reference.



Your ASA Membership ROI

Because you're an ASA member...

- **Sign up to be a mentor or mentee in the ASA Mentor Match program.**
Connect to share experiences and provide or get guidance for career development; the next application period is May 1–31. Visit americanstaffing.net/mentormatch to learn more.
- **Share the ASA Safety Screening Guide with your clients** to help them differentiate the staffing business model from that of other contractors, and more effectively screen and qualify staffing service providers. Get it at americanstaffing.net/legalarticles.
- **Watch live and on-demand ASA Staffing Tech Insights webinars**—delivering targeted, timely tech solutions as well as engaging discussions with industry experts and staffing professionals who are utilizing the technologies. Visit americanstaffing.net/webinars.
- **Access onboarding courses for your new staffing professionals**, including an introduction to the industry, fundamentals of sales, and fundamentals of recruiting. Purchase and assign courses to your team and track their progress using the ASA learning management system at learn.americanstaffing.net.

In Case You Missed It...

ASA Webinar on Background Check Compliance

Highly rated webinar “An In-Depth Conversation on Background Check Compliance” presented issues that all employers need to be concerned with: use of social media for hiring, legal and proper use of criminal record searches, compliance with “ban-the-box” laws, and more. **Visit americanstaffing.net/webinars and search for the title to see it on demand.**



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Registration Open!



Staffing World delivers the content and connections that fuel the most successful companies in the staffing industry.

Oct. 20–22 | Nashville, TN

Visit staffingworld.net for more info.