

## Staffing and Independent Workforce

Businesses in virtually every sector of the economy must be forward-thinking and creative in identifying—and implementing—talent management solutions while simultaneously managing the risks inherent in employing freelance and other contingent workers.

### Overview

Even before the COVID-19 pandemic gripped the business community, technological advances helped people work remotely. Now, technology continues to present almost limitless opportunities for “gig” workers and businesses alike. Companies face unique compliance challenges to optimize all forms of non-traditional workers and simultaneously manage myriad legal issues, including COVID-19 screenings, PPE, wage/ hour, tax, benefits, privacy and union organizing. In this highly competitive environment, businesses must be savvy to structure working relationships to attract sought-after talent and avoid regulatory pitfalls, audits and costly litigation.

Our clients include consumers and providers of freelance and project-based workers, and temporary staffing and professional employer organizations. We provide focused legal advice based on our deep understanding of compliance issues across a wide range of industries. In our mission to provide the most current and relevant legal and business guidance, we are actively involved in key industry groups such as the National Association of Professional Employer Organizations (NAPEO), American Staffing Association (ASA), National Independent Staffing Association, as well as various state and local industry staffing associations.

Some of the services we provide for temporary staffing, professional employer organizations, companies using independent contractors, freelancers and gig workers, and direct placement and recruiting agencies include:

- Best practices to keep workers safe and prevent the spread of COVID-19;
- Advice on the most recent recommendations from federal and state regulators for PPE, administrative and engineering controls;
- Strategic workforce design;
- Prepare and review contracts and model agreements;
- Advise on and litigate a wide range of workplace disputes, including those involving joint employer status, wage and hour and EEO law;
- Conduct nationwide classification and other wage/hour and compensation audits;
- Prepare compliant policies and handbooks for corporate staff and field employees;
- Provide counseling on background checks, substance abuse testing and other pre-employment issues;
- Defend class action Fair Credit Reporting Act claims;
- Facilitate immigration compliance and strategic transfers;
- Advise on the entire range of workplace safety issues and defend OSHA investigations;
- Design profit sharing, 401(k), incentive compensation and all forms of retirement and benefit plans;
- Provide guidance on unemployment insurance, workshare programs and workers'

compensation issues;

- Counsel and defend restrictive covenants, unfair competition claims and other employment-related business torts;
- Guide businesses on federal, state and local disability and leave issues;
- Advise on privacy and data security concerns;
- Outline data breach response and mitigation; and
- Provide a full complement of labor relations advice, including on maintaining a union free workplace, union organizing and joint-employer labor law issues.

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