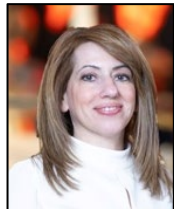


ABOUT ME

I work with HR and legal on the types of workplace issues that make you do a double take. I've been counseling employers and tackling their employment issues for two decades and going strong. I'm a Partner at Genova Burns and Chair of the Human Resources, Law and Compliance Practice Group.



HR TIP OF THE WEEK



TOPIC: Temporary Employees Hired Through Placement Agencies And Direct Hire Seasonal Employees



LEGAL DEVELOPMENT: It's that time of year when NJ employers consider increasing headcount for the holidays. As employers work with placement agencies or direct hire for short term assignments, these are the questions they should be asking:

- Does New Jersey's Temporary Workers Bill of Rights (TWBR) apply to my seasonal temps? (this law grants third party temps rights and imposes obligations on their employer)
- Does my contract with the temp agency protect me if the temp claims I am their employer?
- Am I required to comply with Pay Equity laws for seasonal temps or seasonal employees?
- If I hire through a temp agency, can the seasonal temp still sue me and claim that I am their employer? (depending upon the facts, yes)
- Must temps be trained on my anti-harassment policies?
- Do I have to accommodate a temp workers' disability or pregnancy?
- Am I required to give any benefits to temp workers?
- Do the new independent contractor laws apply to my temps?



HR TIP: NJ law provides meaningful protections for direct hire temps and temp employees hired through vendors. ***Before retaining temps or hiring seasonal employees***, understand NJ's requirements. Figure out whether: 1) you are engaging in any conduct that makes you an employer and 2) you have the policies/practices, notices, contract language, and insurance to protect your company. Address these issues before onboarding your first temp and well in advance of the holiday rush.



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