



Monday Morning Memo

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IN THIS ISSUE

[Executive
Leadership
Conference -
Outstanding!](#)

[Legislative Update](#)

[New Jersey
Employment Stats](#)

[New Jersey
Diversity Fair -
June 3, 2008, Mt.
Laurel, NJ](#)

[Article Headline](#)

Executive Leadership Conference - OUTSTANDING!

The 3rd Annual Executive Leadership Conference, held May 13 and 14 at the Oyster Point Hotel, Red Bank, was an outstanding success. The quality of the speakers, information provided by our industry partners, and the evening cruise party contributed to a very successful staffing event. Here's what attendees had to say:

"This was the first time I came to the Executive Leadership Conference. I was impressed with the quality of the speakers and happy to hear from Senator Jennifer Beck on her fight for issues important to us business owners." - *Steve McCarthy, Today's Staffing*

"A **MUST** conference for every owner/manager in the staffing industry." - *Lisa Mark, Flex Time Solutions*

"Communication and dialogue opportunities with industry and market peers combined with terrific seminars made for a most impressive and rewarding conference." - *Ed Simpson, Options Employment Resources*

"A worthwhile experience. Well worth the time and travel." - *Kimberly Mohr, The Performance Group*

"I'm so thankful to have had the opportunity to learn about aspects of our business that I don't think about on a day-to-day basis but have such an impact on my daily life. I'm inspired to go out and give others the same opportunity." - *Grisell Mercado, Joule Staffing Services*



A full recap of the event will be in the next issue of NJSA's Staffing News.

Legislative Update

U.S. Government Announces More Changes to E-Verify Program

Federal agencies are continuing their efforts to help employers determine whether candidates are authorized to work in the U.S. The U.S. Department of Homeland Security announced an update to E-Verify, its electronic employment eligibility verification system. DHS said the changes will allow it to continue to improve the system's accuracy rate. The system now will include naturalization data, which will help employers instantly confirm the citizenship status of naturalized U.S. citizens. It also now will include real-time arrival data from the Integrated Border Inspection System, which contains historical and enforcement data on travelers and provides a gateway to other sources of data, including the Terrorist Screening Database, criminal history records from the U.S. Federal Bureau of Investigation, and the National Crime Information Center. DHS also plans to share citizenship status records information with SSA to further help prevent tentative non-confirmations from occurring. E-Verify also plans to check against U.S. Department of State passport records in the near future.



Administration Also Confirms there will be no "No-Match" Letters issued for 2007

The U.S. Social Security Administration announced that it has no plans to send employers "no-match" letters about employees with inaccurate identity information for the 2007 tax year. The no-match letters, which inform employers of unresolved name and Social Security number mismatches from Form W-2 submissions, were not sent out for the 2006 tax year because of legal challenges related to a DHS notice that was going to be included with the letters. DHS issued a supplemental proposed rule to address issues raised by a federal judge, but legal challenges still remain. Officials cited the continuing legal challenges as the main reason that SSA is not planning to send no-match letters to employers this year.

Staffing Firm and Client Face Potential FMLA Liability

A federal appeals court recently ruled that a staffing firm and its client were joint employers that may have violated the rights of a temporary worker by not reinstating her to her assignment when she returned from Family and Medical Leave Act (FMLA) leave.

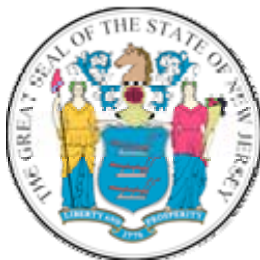
The worker was assigned to perform IT work for the client. When the staffing firm that assigned her filed for bankruptcy, she continued her assignment through a successor firm. After taking and returning from FMLA leave, she was told by the staffing firm and client that her assignment had been eliminated.

The worker sued, claiming that the firm and client violated her FMLA rights by denying her reinstatement and outsourcing her work to another IT worker. The trial court dismissed her claims, and the worker appealed.

On appeal, the staffing firm argued that the worker was not protected by the FMLA since she did not work for the firm for the requisite 12 months. The court held, however, that all the time the worker spent working at the client site through her prior staffing firm counted toward the 12 month requirement.

The court also found that because the staffing firm and client exercised control over the worker, they were joint employers that could be liable for interfering with her right to be reinstated after her leave.

New Jersey Employment Stats



New Jersey's unemployment rate edged up to 5 percent in April from 4.8 percent, and state payrolls are down 9,900 jobs for the first four months of the year, the state Department of Labor and Workforce Development reported.

The decline in state payrolls is in line with the national trend that has seen the U.S. lose 260,000 jobs this year so far. New Jersey added 1,000 jobs last month, a figure the state considers negligible compared with the state's total workforce of nearly 4 million people. While calling April's gains **flat**, the state pointed to gains in certain sectors: business and professional services added 2,800 jobs; education and health services, 1,500; and information, 900.
