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- ... the local business climate *(and what makes Orange County tick).*
- ... how to slash through red tape *(and get things done).*

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New Employment Laws in 2019 That May Affect Your Company

Each new year brings a myriad of new employment laws that affect corporations and other businesses. Being aware of changes can help you adapt smoothly so that your organization can continue to grow and thrive. Take a look at some of the top employment laws that are new for 2019.

Cap on H-2B Visas

Although the cap on H-2B visas, which allow foreign workers to come to the United States to work on a temporary basis, was raised in 2018, the cap has already been reached. No H-2B visas will be available until the second half of 2019. If you hire employees on H-2B visas, you may have to change your hiring plans to stay compliant. Keep your eye open for possible rules changes that increase the types of jobs that H-2B workers can fill.

Pay Equity Regulations

Many states now make it illegal to ask job candidates for their salary history. The idea behind these laws is to stop penalizing minorities and women who have historically received smaller salaries than white males, even in the same position. California is one of those states, so be prepared to offer salary or wages based on the job requirements and your candidates' experience, rather than on salary history.

Sexual Harassment Training

The #metoo movement turned a lot of attention toward gender-based harassment, resulting in an updating of training requirements regarding these topics. If you don't already have a regular training program in place, now's the time to establish one, as California requires training for every employee every two years. Talent agencies are specifically required to distribute materials about sexual harassment and eating disorders.

Human Trafficking Training

If your organization is involved with transportation or hospitality in California, get ready to provide some new training. New regulations for 2019 require at least 20 minutes a year on how to recognize and report suspected human trafficking.

End to Hiring Discrimination Against Military Reserve

In California, employers are no longer allowed to let an employee go or halt their benefits because they belong to any form of military reserve. This new law holds even if the employee is called up for military duty or training.

Changes to Scheduling and Pay Policies

Do you have employees who have to call in two hours before their shift to see if they're needed? A recent court decision now requires California employers to pay those employees for a minimum of two hours, even if they're not needed. Employers must make changes to their scheduling policies carefully as a result.

Ownership of Tips

The Fair Labor Standards Act was amended in late 2018 to prohibit employers from keeping any of its employees' tips, whether the employer takes a tip credit or not. In addition, managers and supervisors may not keep any employees' tips. If your employees receive tips of any form, this change affects both your daily activities and your tax reporting.

Settlement of Sexual Harassment Claims

Businesses can typically take a business expense deduction when settling sexual harassment claims. However, under new tax law, if that settlement involves a nondisclosure agreement, the expense is no longer deductible. In addition, attorneys' fees related to settlement of a sexual harassment claim are no longer deductible. Employers now must decide between the tax deduction and having an NDA in place regarding these claims.

Other Sexual Harassment Protections

Any contract or settlement provision that waives a party's right to testify

regarding sexual harassment or criminal conduct is now considered void and unenforceable in California for contracts dated beginning 2019. In addition, employee complaints of sexual harassment to their employer and an employer's communications with interested parties regarding sexual harassment complaints have received stronger protection. When these complaints and communications are made without malice, both the victims and employers are now protected against defamation claims. Make sure to include all the changes regarding sexual harassment protections in your employee training.

Provisions for Lactating Mothers

If your California business employs workers who are nursing their children, you must grant them time to express milk during the workday. And while you have some flexibility regarding the location designated for this activity, it cannot be in a bathroom stall. Check with employees who are preparing for maternity leave ahead of time to make this accommodation.

Elimination of Business Tax Deductions

The Tax Cuts and Jobs Act eliminated several tax deductions that you might have counted on in previous tax years. Because you can no longer deduct transportation fringe benefits for your employees, relocation expenses, and entertainment expenses, you may want to rethink what perks and benefits you offer.

Restrictions on Asking Job Applicants About Criminal History

Just as you can no longer ask job candidates about their salary history during the hiring process in California, it's also tricky to ask applicants about their criminal history. If you require employees to disclose criminal convictions for security reasons, you must ask about particular convictions within specific categories of criminal offenses.

Employment of Minors

If your California company participates in any government-administered programs that involve employing minors during breaks in the school year, you're no longer allowed to deny work permits based on those minors' GPA, grades, or school attendance records.

Workplace Violence

Although no new regulations have been finalized regarding the issue of workplace violence, a substantial bill is pending that would require health care and social service companies to create plans to protect against workplace hazards. These plans are expected to require training on workplace violence hazards and an annual evaluation of the company's plan. In addition, employers will have to track all violent incidents in a log and summarize those incidents each year.

When you stay on top of the latest regulations and laws affecting your workplace, you help your employees feel confident that you're looking out for their best interests. At Marquee Staffing, we're committed to staying up to date on the latest developments in HR law as well as trends, such as the #metoo movement, that affect both legal issues and everyday practices in the workplace. Contact us when you want to make sure you're staying compliant with new laws as you seek to fill open positions at your company.

Tom Porter

With a background in finance and investments, Tom Porter opened Marquee Staffing's first branch in 1989. For the past 30 years, the firm has built a strong reputation based around developing strategic relationships with candidates and clients throughout Southern California. In addition, Tom utilizes his positions on the board for both TSIL and TempNet to provide current and potential clients with the best insight on changing labor laws and best practices within the industry. Contact Tom Porter at tporter@marqueestaffing.com to partner with us!

Employee Lawsuits Ramped Up In California

You hire people, pay them well, provide benefits, and keep a positive working environment. What does your business get in return? Labor Board claims and Employee lawsuits.

California employers are inundated with employee lawsuits ranging from wage and hour claims alleging denial of "overtime pay," "meal and rest breaks," and "failure to provide "accurate pay check stubs." Add to this allegations of "wrongful termination," and "discrimination," and you have the perfect storm of a nightmare employee lawsuit.



Tom Nowland, Nowland Law

These types of lawsuits can be a substantial burden on any business and could be devastating to the small business due to the high costs of defense. In addition, Labor laws provide attorney fees to the successful employee which creates a huge risk for the employer that wants to prove they did everything correct and paid the employee.

These lawsuits are so far reaching and complex that even if the employer did everything right, it could still lose. Often times the employer ends up paying to "settle" the case just to buy certainty and put an end to the ongoing costs.

What can an employer do to prevent such lawsuits? While it is nearly impossible to prevent every employee claim, the employer can maintain a system of checks and procedures to minimize the risk. This may include an audit of payroll practices and procedures as well as other actions focused on labor law compliance.

If your business is facing an employee lawsuit, or even if you just need some experienced advice about your practices and procedures, contact Southern California Labor Law Attorney Thomas F Nowland.

Attorney Thomas F. Nowland has brought a unique approach to business matters and complex business litigation through years of hands on personal experience in the business of construction and other business ventures. This experience allows him to advise business clients about real world problems and the solutions that really work in today's business climate. For More Information regarding business litigation and business related issues, contact Southern California Business Litigation Attorney Thomas F. Nowland at (949) 221-0005.



YOUR HUMAN RESOURCES SOLUTION

Who Knew Mom Was a Business Mogul?

By Kathi Guiney, GPHR, SPHR, SCP President YES!
Your Human Resources Solution.

All that free advice, and, well, nagging, you got growing up—Mom was only trying to help you be your best. Now you're older, you can see the wisdom in her words. (You might even have dropped a few Momisms on your own kids!) But you probably didn't realize Mom's wisdom could also help you succeed in the business world. So, let's revisit these classic Momisms to use poise, confidence, and style to build a winning professional presence.



Guiney

- **Say you're sorry, and mean it!** While knee-jerk apologies undermine your sincerity, a heartfelt, well-placed "I'm sorry" can ease tension and encourage forgiveness. So only apologize when you really need to but mean it!
- **Play nice.** You build stronger relationships by sharing the ball instead of ripping it out of someone's hands. That doesn't mean be a pushover! Disagree and be direct, just do it with tactful communication - don't be a jerk.
- **Is that what you're going to wear?** Just as you wouldn't wear ripped jeans to Cousin Matilda's wedding, don't wear them to that big presentation. Think about the statement your appearance makes and turn it into a message you want to say.
- **If at first you don't succeed, try, try again.** You fell a lot when the training wheels came off your bike. But you can't learn if you stay down when you fall. Get up, brush off, and keep reaching for your goals.

In a business world that changes in a breath, Mom's advice is timeless. By applying her wisdom, you can build the professional presence she would have wanted for you: the best version of yourself. Make Mom proud and **stand up straight for heaven's sake!**

Nowland Law is here for the Orange County business facing:

- Employment Litigation
- Contract Litigation
- Disputes



Free Consultation at 949-221-0005
NowlandLaw.com

Survey Deadline June 30, 2019

Recognize the Most Community-Minded Businesses in OC

Civic 50 Orange County will recognize the most community-minded companies in OC, while inspiring others to give back. The Civic 50 OC List and Special Report publishes on October 21, 2019.

Visit www.oneoc.org/occciv50 to access the survey!
Deadline June 30, 2019



Keynote Speaker

Neil Bush
Chairman, *Points of Light Board*

Neil Bush (third son of President George H.W. Bush) serves as chairman of the Points of Light Board of Directors, where Neil expands his father's vision of inspiring, equipping and mobilizing volunteers to increase capacity for vital social services and for finding innovative solutions that lift individuals, strengthen families, and renew communities.

In his professional life, Neil develops international business opportunities with a focus on Asia.

Neil and Maria have six wonderful children and they are proud that the family passion for service has passed on to the next generation.

Neil earned an MBA and a BA from Tulane University.



Luncheon & Awards Program

October 16, 2019 from 12:00 p.m. - 2:00 p.m.

HOTEL IRVINE

*Tickets: \$175 / Table of Ten: \$1650

Reservation Information

Visit ocbj.com/bizevents or contact
Melanie Collins, Signature Events Manager
at 949.6645065 or collins@ocbj.com

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*Tickets are non-refundable. Ticket price includes self-parking and a six-month subscription to the Orange County Business Journal (\$15 allocated to the subscription). New subscribers only. Current subscribers may gift the subscription to a colleague.