

CONNECT 2018

PARTNERSHIP
SHOWCASE:
ASURINT &
ESSENTIAL STAFFCARE

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BACKGROUND SCREENING: WHAT'S NEXT FOR EMPLOYERS?

Kelly D. K. Uebel, Esq.,
General Counsel, Asurint

Legislative Trends



Bans!

- Criminal history: Ban the box proposed in several jurisdictions; enforcement increasing.
- Salary history: 11 different bills introduced, many died.



Criminal Justice Reform

- Topics like expungements, certificates of good conduct, etc.



Data Security

- Huge topic following Equifax breach. Primarily impacts data brokers and “holders” of information for now.



Public Records Access

- Removing key identifiers, restricting access to information

Litigation Trends: Disclosure Form

"Solely"

- Waiver of liability
- Criminal history questions
- Notice of adverse action
- Mention of at-will employment
- Inclusion of evergreen consent language
- Same page as authorization

Standalone

- Buried in employment application
- Presented as scrolling electronic document

Litigation Trends: Adverse Action

Pitfalls

- Not sending final adverse action
- Not waiting specified days
- Making adverse employment decision *before* sending pre-adverse letter
- Texting or calling candidate to say not hired without doing anything else

Recommendations

- Consider re-screening employees – people change or make mistakes after being employed!
- Review all forms and processes with qualified legal counsel
 - Lawsuits are ranging from \$500k to well over \$7 million!
- Expand scope of background check if only performing fingerprint-based search



QUESTIONS?

ESC UPDATES AND STATE OF THE INDUSTRY

Alan Gilbert

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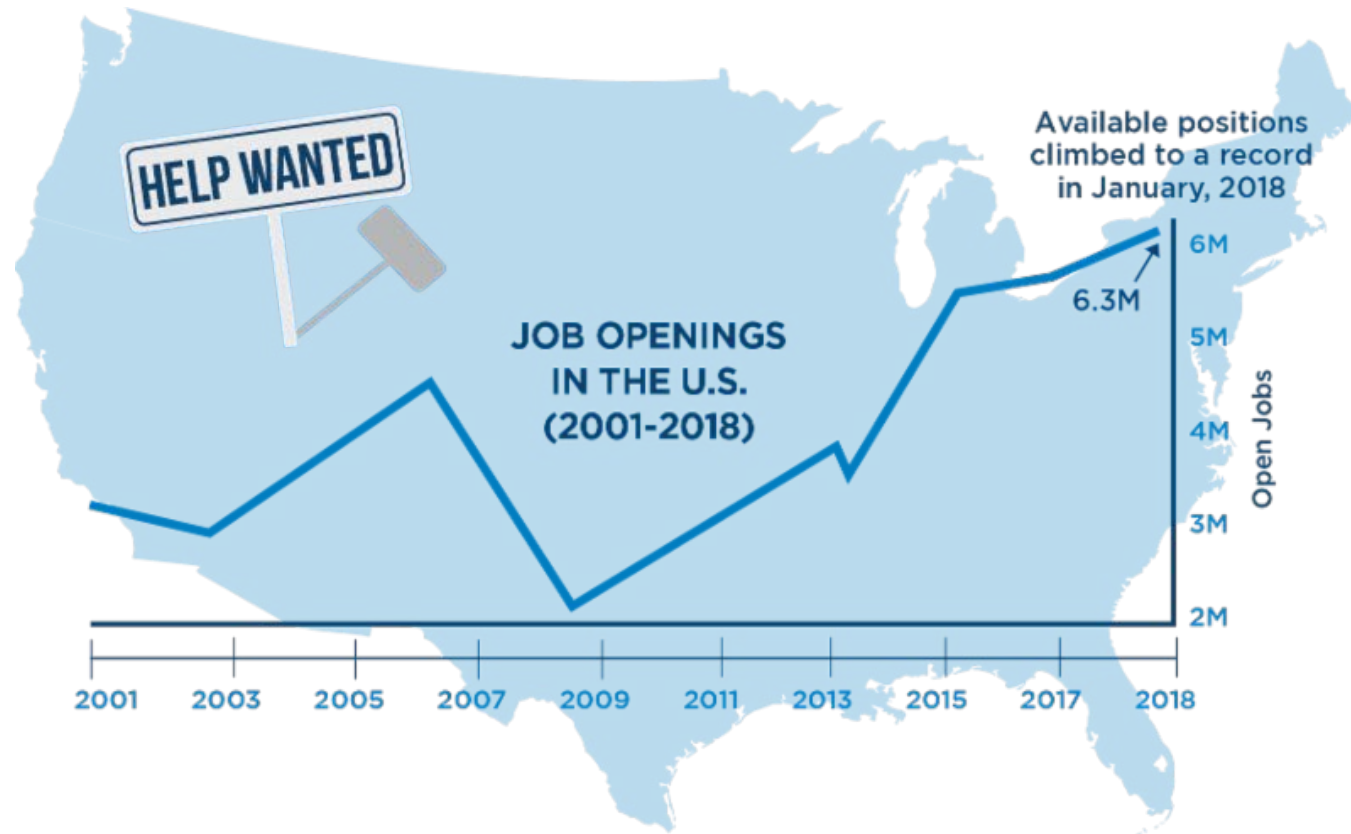
AGENDA

- Brief ACA Update
 - No more Individual Mandate as of January 1. 2019
 - What will employers do, when there is still an Employer Mandate?
 - How will ACA reporting be impacted?
- Explore Current Labor Market
- Value of Health Benefits as it Relates to Recruiting

Carrot vs. Stick



DOL: All-Time-High Job Vacancies



6.7M

Job openings in United States
January 2018

No Relief in Sight

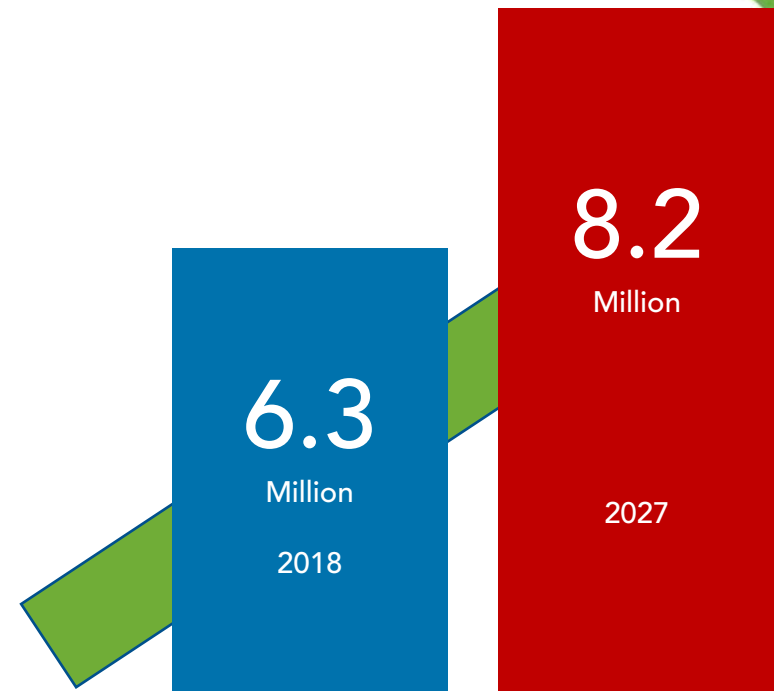


A Baby Boomer Retires
Every **9** Seconds

April
Unemployment
Rate

3.9%

Lowest since dot
com bubble in 2000



8.2M

Projected Worker
Shortage by 2027

The New York Times

April 5, 2018

Workers Shortage Forcing Restaurants to Get Creative

Restaurants that can't increase wages are

- Reimbursing Culinary-School Tuition
- Recruiting **Newly-Released Prisoners**
- Offering Tequila-Tasting Seminars
- Fast-tracking Promotions

The Washington Post

April 30, 2018

The rise of the blue-collar signing bonus – now up to \$25,000

- BNSF Railway offering \$25,000 signing bonus for electricians, boilermakers and pipefitters
- Blue-collar industries such as construction and security are giving extra cash to new hires

Wall Street Journal

April 16, 2018

Facing Historic Labor Shortages, Companies Snap Up Teenagers

Companies are pursuing teenagers more aggressively

- At a Cincinnati high-school machining-skills competition, 27 companies showed up to search for talent
- One Cincinnati high-school junior with machining skills fielded 13 job offers

Workers Want Benefits

Most Desired Perks – Source: Inavergo and careerbuilder.com

87%

of temps say medical benefits are their most desired perk when looking for a position.

Employers Leveraging Fixed Indemnity



ASA Central Live Discussion – How is your company competitive when unemployment rates are low?

- We do 95% light industrial work ... we have been offering benefits to our contract staff for almost 5 years and have found we are very competitive with larger/nationwide firms.
- [We offer] insurance through Essential StaffCARE (medical, prescription dental, vision, STD, Life.)
- We have been pleased with the results. We have had employees bring us new clients because employee wanted to stay on our payroll [for the benefits].

Retention Data Analyzed

Essential StaffCARE Client Data:

Employees enrolled in the ESC Indemnity plan stayed with the temp company 3.6 weeks (47%) longer than those NOT enrolled in ESC



When employees have health coverage, they tend to stay with their employer longer. This results in fewer resources dedicated to recruiting, increased efficiency and bottom line savings.



Recruit + Retain = Revenue





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