



PEO and Staffing

Overview

We have represented and advocated for the PEO industry from the early days of “staff leasing,” when there was little to no licensing and limited legal certainty, to the present day with over 40 states regulating PEOs, IRS certification, and broad legal recognition of the PEO model. We are proud members, contributors, and Medallion sponsors of the National Association of Professional Employer Organizations (NAPEO).

Likewise, we have been in the trenches representing temporary staffing and other alternative staffing businesses since the early days of staffing. We understand there are many different approaches to staffing in today’s fluid business environment. The staffing platform options and terminology are constantly evolving, often involving complex multi-party relationships. With us, there’s no learning curve. We live in *your* world. We speak your language. We know your concerns – *and* how to address them.

LITIGATION AND EPLI CLAIMS

We defend litigation and EPLI claims filed against PEOs and their client companies, as well as staffing companies when they are drawn into employee litigation. Defending and managing these claims efficiently is an essential part of the PEO and staffing business. We zealously defend claims while maintaining a clear focus on efficiency, practicality, and communication with our clients. We leverage technology and our extensive knowledge management resources to maximize our effectiveness and efficiency.

While the definition of “joint employment” is constantly evolving, our attorneys are in the forefront of protecting PEOs and staffing companies from overreaching regarding this crucial issue. We also

handle disputes between PEOs or staffing companies and their clients, including litigation over the interpretation and enforcement of service agreements.

BENEFITS, PAYROLL TAX, AND UNEMPLOYMENT INSURANCE CONSULTING, AUDITS, AND DISPUTES

Our benefits and payroll tax lawyers know the nuances and intricacies of both PEO and staffing company benefits and tax compliance. These areas are more complex now than ever in the wake of COVID-19 related legislation such as the CARES Act. Our lawyers provide day-to-day consulting in these areas, as well as audit and dispute representation. Our services include unemployment insurance consulting and dispute representation before courts and administrative agencies.

LICENSING, CERTIFICATION, AND COMPLIANCE

From the early PEO licensing systems in Florida and Texas, to the latest states electing to regulate PEOs, we handle licensing applications, renewals, and ongoing licensing compliance obligations. We represent PEOs before PEO licensing boards for licensure and to address compliance issues. We also work with PEO clients to obtain and maintain IRS Certified PEO status. When staffing companies may fall under the umbrella of industry licensing, we are called upon to assist them as well.

CONTRACTS

Service agreements are the blueprint for PEO and staffing businesses and often lay the framework for the defense of threats to the model, whether the threat comes from a private party or elsewhere. We help PEOs and staffing companies draft, modify, and update their service agreements to reflect their unique business models and remain in compliance with the regulatory landscape.

HUMAN RESOURCES AND WORKSITE EMPLOYEE COMPLIANCE

We prepare and update human resources documents, relying on our extensive knowledge management resources. We provide seminars and training programs to help keep your human resources professionals updated on the ever-changing legal landscape and best practices. We also provide on-demand consulting for employee relations issues that arise with worksite employees, advising on best practices and strategies for addressing daily HR challenges.

MERGERS AND ACQUISITIONS DUE DILIGENCE

We work with PEOs, staffing companies, and investors, along with their corporate transactional counsel, to conduct due diligence and provide consulting services in the purchase and sale of PEOs and staffing companies. Often called upon by transaction counsel to facilitate review of industry specific issues, our lawyers are essential resources in any transaction involving PEOs or staffing companies.

STARTUP PEOS AND STAFFING COMPANIES

We guide startups through the legal landmines that threaten to sidetrack a successful startup, including help with the initial service agreement and other documents, employee onboarding and offboarding documents and protocols, benefits plan design and strategy, liability insurance strategies, licensing and registration compliance, and other areas where the business and legal strategies intersect.

WORKPLACE SAFETY AND WORKERS' COMPENSATION INSURANCE

Our deep bench of workplace safety lawyers is a ready resource for PEOs and staffing companies needing consulting in these areas. Our safety practitioners draw on experience in industry and government. We also assist with a variety of strategic workers' compensation insurance related matters, such as captive consulting and premium audits/disputes.

IMMIGRATION

PEOs and staffing companies have immigration needs with respect to their internal workforce, and they may have compliance needs with respect to worksite employees and staffing workers. Our immigration lawyers dedicate their entire legal practice to the area of immigration, and they know the ins and outs of PEOs and staffing companies in the world of immigration.

GOVERNMENT RELATIONS

We come to the aid of PEOs and staffing businesses when called upon to interpret and address state and federal regulatory actions, whether at the legislature, a regulator's office, or the courtroom. Some of our lawyers were instrumental in writing the laws that have become the bedrock of the PEO and staffing industries.

Insights

INSIGHTS

03/15/24

Court Halts Enforcement of Equal Benefits (But Not Equal Pay) Rules for Illinois Staffing Agencies and Their Clients: 3 Major Takeaways

Jessica D. Causgrove, Shane Stover

[Read more →](#)

PUBLICATION

03/13/24

New Jersey Partner Breaks Down NJ's Temporary Workers' Bill of Rights

Alba V. Aviles

[Read more →](#)

INSIGHTS

03/13/24

The State of the Union for PEOs and Staffing: 7 Notable Trends Revealed at FP's PeopleLaw Conference

Sheldon J. Blumling, John M. Polson

[Read more →](#)

NEWS

03/12/24

Media Turns to Fisher Phillips for Insight on the Latest with the NLRB's Joint Employer Rule

Steven M. Bernstein, Joshua D. Nadreau, John M. Polson

[Read more →](#)

INSIGHTS

03/11/24

Controversial Joint Employer Rule Struck Down Just Before Taking Effect: Your Blueprint For Navigating Months Ahead

Steven M. Bernstein, Joshua D. Nadreau, John M. Polson

[Read more →](#)

INSIGHTS

03/08/24

Illinois Staffing Agencies and Clients Should Prepare for Equal Pay Rules: 4 Steps to Take Now

Jessica D. Causgrove, Shane Stover

[Read more →](#)

INSIGHTS

03/05/24

PEO Pointers: It's Reporting Time! Your 5-Step Compliance Plan for Pay Data and EEO-1 Reports

Benjamin M. Ebbink, Linda J. Gullledge

[Read more →](#)

INSIGHTS

03/01/24

Workplace Law Update: 10 Essential Items on Your March To-Do List

Sheila M. Abron, Steven M. Bernstein, Amanda M. Blair, Raeann Burgo, Kathleen McLeod Caminiti, Melissa (Osipoff) Camire, Patrick J. Collopy, Tami Essis Culkar, Alex G. Desrosiers, Benjamin M. Ebbink, Shelby L. Garland, Darcey M. Groden, Usama Kahf, Aymara Ledezma, Joshua D. Nadreau, Jacklin Rad, Jennifer B. Sandberg, Nan Sato, David Shannon, Henry Thomson-Smith, J. Hagood Tighe, Connie Yang

[Read more →](#)

Workplace Law Update: 10 Essential Items on Your February To-Do List

Steven M. Bernstein, Amanda M. Blair, Risa B. Boerner, Kathleen McLeod Caminiti, Melissa (Osipoff) Camire, Matthew Carpenter, Patrick J. Collopy, Tami Essis Culkar, J. Micah Dickie, Benjamin M. Ebbink, Anthony Isola, Sean Kingston, Casandra Ozcimder, Abby Harrington Putzulu, Melody L. Rayl, Julia A. Sherwood, Andrew J. Sommer, Sharon Suh, Henry Thomson-Smith, J. Hagood Tighe, David Witkin, Annie Ziesing

[Read more →](#)

EVENT

02/01/24

FP Forecast 2024: Essential Webinar for Employers

John M. Polson, Richard R. Meneghello

[Read more →](#)

[View All →](#)

Key Contacts



John M. Polson
Partner
949.798.2130
[Email](#)



Sheldon J. Blumling

Partner

949.798.2127

Email

See all →

Partnerships

