



Inner View

The Quarterly Newsletter of California Staffing Professionals

Winter 2005

From the CSP Boardroom



*By Joe Mackey
CSP State President*

The past four months have gone by very fast. It made me very proud to represent the California Staffing Professionals at this year's ASA annual conference in Orlando, Florida. Sure we received some very

well deserved awards, but, beyond that, it was obvious that our association has the respect of other staffing and recruiting associations throughout the country.

CSP is by far the largest chapter of ASA, with the second largest being about half our size. Out of approximately 2,000 recruiters that are now "Certified Staffing Professionals," over 200 are from California. CSP is the only state chapter that has and administers its own state employment law accreditation (California Accredited Consultant - CAC). And, of course, we are the only state that has eight individual chapters that have their own boards of directors, their own bank accounts, plan their own events and activities, and meet on a regular (usually monthly) basis.

With California still being the fifth largest economy in the world, it is vital that we are

strongly represented at the national level. Next year's ASA conference will be held in Las Vegas at the Venician Casino in November 2006, and we need to have a noticeable California presence.

If you missed the 5th Annual Owners Only Retreat last month at the Sycuan Resort, you missed a fabulous event. It was our largest yet, with almost 80 staffing professionals. The venue was extraordinary, but the learning, mentoring, coaching, sharing and, most of all, "relaxing and retreating" were not to be equalled. Joan Boragine and Judy Lawton planned and executed a great meeting. We all owe them our thanks.

Many fine people are sacrificing their time and resources to organize and lead the California Staffing Professionals. Your local chapter officers and your state board and officers all volunteer their efforts to promote our industry. Please give them your thanks and support when they ask.

If you, like me, have earned a good living in this industry, maybe it's time to give a little back and volunteer to help your local chapter or serve on the state board. Give it a try, you'll get back much more than you give.

Joe Mackey, CAC, CSP

2005-2006 CSP State Board of Directors Executive Committee



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The gavel was passed at CSP's summer State Board meeting. Jeff Hindman (Immediate Past President), above right, passes the gavel to incoming State President Joe Mackey, left. At right — Board members Judy Lawton (Secretary), Mike Binder (3rd VP), Joan Boragine (2nd VP) and Joe Mackey. Camera shy: Todd Witkin (1st VP) and Melissa Taub (Treasurer)

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Benefits	Charlesetta Fountain
Bylaws	Kathryn Shepherd
Conference	Melissa Taub/Todd Witkin
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Owners Only Retreat	Joan Boragine/Judy Lawton
PAC	Jim Stielow
Strategic Planning	Todd Witkin
Vendor Relations/Associate Membership	Sean Gogan



UPCOMING EVENTS

LET'S EDUCATE OUR LEGISLATORS!



Mark your calendars now for CSP's **2nd Annual Legislative Day** – we expect it to be a great event. It is also an opportunity to learn how to communicate with your Legislator (learn the “talking points” from our Lobbyists), enjoy a networking lunch and speaker, and spend the afternoon meeting with your Legislators. For your planning purposes, the day in Sacramento will begin at 10:00 am and go through the cocktail hour. Complete information about this all-day event will be forthcoming but, for now, just **Save the Date – TUESDAY, APRIL 4, 2006!**

Sheraton Grand Sacramento Hotel

1230 J Street (13th and J) • Sacramento, CA 95814

STAFFING & RECRUITING CONFERENCE 2006



The West Coast's newest \$250 million dollar playground is the site of our annual 3-day conference, **MAY 4-6, 2006**. Not only is the venue brand new, but the program is, too! The 2006 Staffing & Recruiting Conference will feature special two-day training for rookie recruiters while seasoned consultants and owners/managers will be busy attending extended workshops with topics for temp, direct hire, operations and sales. Each day will be launched with electrifying keynotes to be enjoyed by everyone!!

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CSP Member Renoir Staffing Services Celebrates 20 Years

Renoir Staffing Services, Inc., headquartered in Oakland, celebrated its 20th anniversary October 1. The company has grown from a home-based business in 1985 to a business employing over 800 people with over \$6 million in sales today. Renoir's Oakland, Sacramento and San Jose offices provide temporary staff and employees for direct hire to meet the needs of the residential multi-family and commercial property management industry in northern California.

Founder and CEO, Carol Kotewicz-Dencker has guided the firm's growth in alignment with her core values and vision "to be the jewel box of real estate management staffing...." Renoir has repeatedly been listed by business publications as among the fastest growing companies, largest women-owned businesses, largest staffing services and largest recruiting agencies in Northern California.

Prior to founding Renoir, Carol worked for 15 years in property management, where she managed over \$30 million in Bay Area properties. She was inspired to start a staffing company when she saw that personnel agencies didn't understand the employment needs of property management companies.

Renoir has placed thousands of employees in property management positions. Many start as an employee, become customers and later in their careers become candidates again.



Helping Renoir celebrate were many CSP members. From left to right: Ernie Pineda, Dawn Kirkland, Joan Boragine, Sean Gogan (General Manager of Renoir), Cindy Fassler and Adam Cipriano.

CSP Wins National Awards

California Staffing Professionals was honored at Staffing World 2005, the annual convention of the American Staffing Association, held in October in Orlando, FL. CSP received a superior merit award for its outstanding programs and chapter efforts in 2005. It also received a superior merit award for its outstanding legislative efforts.



From left: Jeffrey Burnett, Joe Mackey, Richard Wahlquist

California Staffing Professionals' president Joe Mackey, CAC, CSP, accepted the awards from ASA chairman Jeffrey Burnett, CSP, president and CEO of Labor Finders International.

ASA evaluated state associations on their support of the staffing industry through chapter meetings, special events, educational seminars, and community outreach efforts.

Chapters that won the legislative merit awards were those that took

effective steps to make sure legislators understand the role of flexible jobs and how the staffing industry benefits the economy. These steps included face-to-face meetings, testimony at legislative hearings, letter-writing campaigns, state capitol hill days, and political activities.

CSP is a statewide association of staffing companies in California. The staffing industry in California employs 244,000 temporary and contract employees per day. American Staffing Association represents the \$70 billion staffing industry. ASA's members operate 15,000 offices across the nation and account for 85% of U.S. industry sales.

Ruffled Feathers: Why People Upset Us

By Marsha Petrie Sue

We can all recall times when people ruffled our feathers, upset us or ticked us off. But why do some people never get bothered, upset or bent out of shape? They have learned to apply conflict management skills when events could otherwise make them upset.

Fact: If a veterinarian sees a bird with "ruffled feathers," they know something is wrong and the bird needs care. As human beings, studies now reveal that anger and conflict release a toxic hormone – cortisol – into our systems. If this is not managed, the body can become seriously ill; it can even die. Conflicts, when effectively dealt with, are great opportunities for growth. You may know the skills for doing so, but can you apply them consistently?

1. Take the emotion out of it. The worst thing you can do when dealing with a conflict is become defensive or angry. If you start feeling upset, excuse yourself for a moment, count to 10, and return when you're feeling objective again.

2. Become a better listener. We've all done it: someone says something we don't like, and we're instantly thinking about a rebuttal. That's the wrong move. Most people have their ears open but they aren't really listening. When you do that, you lose an opportunity. If you aren't listening, you're missing out. Before you respond to a statement, ask another question: Can you tell me more about it?

3. Find the common ground. We have a tendency to focus on things we disagree on, which is counterproductive. If you think about it, there's always a lot more we agree about than we disagree about. When you acknowledge commonality, you instantly diffuse the situation. Some people are so used to getting a poor result that the model in their head pushes their behavior to negativity.

4. Give objective criticism. People will be more inclined to come to you with problems if they feel that they are appreciated and taken seriously. That said, praise the person when they come and talk to you about hard issues. Still dread conflict? E-mail me with specific situations and I would be honored to help.

For more information, contact Marsha at Marsha@MarshaPetrieSue.com and she will send you the Ten Commandments of Cooperation by email – or if you leave your mailing address, you will receive a copy of the commandments on beautiful certificate stock paper.

Holidays Are a Great Time to Place Candidates!

By Barbara Bruno

It's interesting how many candidates feel they have to put their search on "hold" because no one will hire around the "holidays." In our profession, we know that isn't true. Many companies must spend their hiring budgets prior to December 31, 2005, or they will not get these hiring monies in 2006!

That's motivation for the clients to utilize our services and ensure the interviewing process keeps moving.

Candidates must be made to realize that there is more competition after January 1. In the past three years "changing my job" was the #1 New Year's Resolution. It even beat out "losing weight!" Whether you have a great November/December or an average one depends on how you present the market to these candidates and how you stress the benefits of hiring now to your clients.

For the candidates currently employed, you will hear these three objections:

Objection: I don't want to lose my Christmas Bonus.

Answer: If I could find you an opportunity that more than made up for your bonus...

Objection: No one hires over the holidays.

Answer: Yes they do because they must spend their hiring budgets prior to the year's end. Do you also realize this is the time of year where you have much less competition?

Objection: I have time scheduled off during the holidays.

Answer: We can negotiate that time off as part of your



offer. It will be "unpaid," but the increase you receive in compensation will more than make up for that.

These are all "postponement objections" and easy to overcome if you stress the "BENEFITS" of hiring and seeking employment during the holidays.

On the client side:

Objection: We're going to wait until after January 3 to interview.

Answer: Do you realize that most companies do that exact same thing? Therefore the competition for top talent intensifies after the first of the year. Holidays are the best time to hire.

Objection: I don't have time to interview around the holidays.

Answer: Most of our candidates are currently employed and would appreciate an "after hours" interview.

Objection: We have used 100% of our hiring budget.

Answer: We can bill you after January 1!

These are all postponement objections. If you want to learn how to overcome the TOP TEN OBJECTIONS from both clients and candidates, they are all included in my book "Getting to the Next Level of Production." Here's to your best November/December ever!

Barbara Bruno is one of the industry's top trainers and has received rave reviews when speaking at our conferences. For more training articles, go to Barbara's free BLOG at www.staffingandrecruiting.com.

I-9 Requirements for Katrina Survivors Reinstated

The Department of Homeland Security has reinstated the I-9 work authorization requirements for survivors of Hurricane Katrina. In September, DHS temporarily suspended sanctions against employers that hired survivors who could not provide work authorization documentation. Employers are expected to fully complete the Form I-9 for recently hired survivors of Hurricane Katrina who were previously unable to provide proper documentation. According to DHS, by now individuals should have been able to replace required documents or demonstrate that they have applied for these documents from relevant agencies. Persons returning to jobs held prior to Hurricane Katrina do not need to demonstrate employment eligibility because they are not considered new hires.

DHS has said that it will continue to exercise prosecutorial discretion on a case-by-case basis, examining each worker's inability to obtain documents as well as employers' actions to ensure compliance with the I-9 requirements. Employers that have made reasonable good faith efforts to comply with the requirements, but are still unable as of October 21 to complete the required information, should note with specificity on the Form I-9 what steps they have taken to verify employment eligibility. Read the news release issued by the Department of Homeland Security at www.dhs.gov.

— by Stephen Dwyer

Deputy General Counsel, American Staffing Association

Member News



New CSP Members

June through
October, 2005

AddMed Staffing, Inc.	Huntington Beach
Aerotek, Inc.	Gardena
Affinity Scientific, LLC	San Diego
Alar Staffing Corp.	Santa Ana
Bay Staffing Solutions, LLC	San Francisco
Bibby Financial Services (CA), Inc.	Westlake Village
CML Consulting & Executive Search	Encinitas
Covenant Staffing, Inc.	Upland
Direct Sourcing Solutions	Santa Clara
Doyle & Associates	Anaheim
Employment Service Agency/ESA Temps	Downey
Eplica, Inc.	San Diego
LG Staffing Solution on Demand, Inc.	El Monte
Mainstay Business Solutions	Folsom
Omega Contract Design	Huntington Beach
OUTSOURCE Consulting Services	Oakland
Q Staffing Services	Irvine
RemedyTemp, Inc.	Aliso Viejo
Ricci Lee Hubbart Associates, Inc.	Cupertino
Riviera Finance, LLC	Redondo Beach
Sales Solutions	Walnut Creek
San Luis Personnel Services	San Luis Obispo
Search Associates & Consultants	Alta Loma
Signature Staffing, Inc.	San Diego
Staffmark	Placentia
The Volare Group	Scotts Valley
The Zamzow Group	Beverly Hills
Universal Staffing, Inc.	Monterey

Melody Mounce, Accounts Manager

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Omega Contract Design has been in the technical staffing field for over 30 years. They specialize in technical and computer/IT temporary personnel. A large part of their business is maintained through word of mouth advertising from their employees and clients — engineers, machinists, assemblers, computer programmers, operators and tech writers (to name a few).

James R. Pierce Award



It's not too early to start thinking about nominations for the James R. Pierce Award. The James R. Pierce Award recognizes lifetime achievement of an individual of California Staffing Professionals and/or our predecessor organizations CAPC and CATSS. Those of you who have been in the staffing industry for many years, please consider who of your peers would be an excellent choice for this prestigious award. Those of you newer to the industry, consider individuals who you have met through CSP who may qualify. Although the deadline for submission of award candidates isn't until next year, don't wait until then to nominate your candidate. I will be gathering nominations from now through our deadline date. Simply take the time to write a brief summary of your candidate(s) achievements and qualifications and send it to me at rmedernach@artizen.com. Thank you.

Patty Kuiken, President

Covenant Staffing, Inc.

545 N. Mountain #111 • Upland, CA 91786

Phone: 909-949-0062 • Fax: 909-948-9491

covenant545@aol.com

Covenant Staffing is a locally owned and operated agency and offers the latest in software testing and training. They offer a clothing closet to assist their employees in polishing off their professional wardrobe. This, coupled with a caring staff to provide clerical support, makes them a very unique company! They have been in business since February 1997 and pride themselves on their integrity.

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.” ~ Margaret Mead

Join your local CSP Board! Your industry depends on it!!!

Owners Only Retreat 2005 Revisited

By Judy Lawton, TLC Staffing
Owners Only Retreat 2005 Co-Chair

What an incredibly special time was had by all of the attendees at this year's Owners Only Retreat! And, talk about a beautiful venue! Sycuan Resort & Casino, located in beautiful rural San Diego County, was perfect in lending



Peter Mack, President of Occuscreen, was our gracious host of the Friday evening cocktail reception. At right, Joan Boragine, chair of this year's fabulous retreat.

all attendees an aura of spaciousness, serenity and was very conducive to encouraging networking and relationship building. Spouses and guests also had the luxury of a most luscious array of golf courses, swimming pools or tennis courts ... or the casino, of course.

Cocktail parties were numerous and were well attended in our large indoor/outdoor hospitality suite, lending even more time for plenty of relaxing, making significant connections with one another and sharing

Keynote: Jeff Wolf



CSP Lobbyist Mike Robson

industry information. Special thanks to Occuscreen and Peter Mack for the extraordinary cocktail reception on Friday evening!

With 78 owners and 10 sponsoring companies in attendance, attention was

riveted to Jeff Wolf and Scott Love — Friday's and Saturday's keynote speakers. The topics that were chosen by both were not only timely to the staffing industry, but were well delivered and even more well received. We left each session revved up, newly inspired, refreshed in our quests to be better leaders, and confident that we could surely conquer the world. Each speaker received a hearty round of appreciation from the enthusiastic crowd.



The afternoon roundtables were well attended ... particularly the "salary and compensation" discussion (above), led by Shannon Erdell



CSP leaders past and present — Kathryn Shepherd, Paula Frontroy and Joe Mackey



Julie Brown (right), San Diego Chapter President, was one of several attendees who won a raffle prize! Raffle prizes were donated by Fortin & Associates, LSQ Funding, Pier 39 Limited Partnership, Shimon Systems, Inc., Sycuan Resort. Giveaways were provided by CareerSource Magazine, San Diego Flowers by Coley, San Diego Union Tribune and Union Bank. Thanks to The Promerica Group, everyone had a bag to store all the loot!



Pat Schmidt (left), long time CSP member from San Diego, enjoys a moment in front of the camera with sponsors Dennis and Gilda Sebenick of RecruitTrack in Torrance.

Special thanks to our 10 participating sponsors who supported our 5th annual event, and to the many contributing vendors who supplied fabulous giveaways and raffle prizes!

Sponsoring Company	City, State	Phone	Website
Bibby Financial Services	Westlake Village, CA	805-446-6111	bibbycalifornia.com
DeBellas & Co.	Lake Forest, CA	949-859-3332	debellas.com
eEmpACT Software	Bloomington, MN	800-456-5660 x230	eempact.com
Flexible Funding	San Francisco, CA	415-391-4320	flexiblefunding.com
LyonsOdell	Radnor, PA	484-586-3903	lyonsinsurance.com
Occuscreen, LLC	Kirkland, WA	888-833-5304	occuscreen.com
Recruiter Support Services	San Diego, CA	877-772-8777	recruitersupportservices.com
RecruitTrack	Torrance, CA	310-539-8775 x1	recruittrack.com
TFI Resources	Houston, TX	713-975-7576 x202	tfiresources.com
VCG, Inc.	Roswell GA	770-246-2302	vcgsoftware.com

Each afternoon featured interesting and informative panelists speaking on topics that included everything from the law, the economy, the state of politics then on to



The buffet lunches on Friday and Saturday were exceptional — and plentiful!

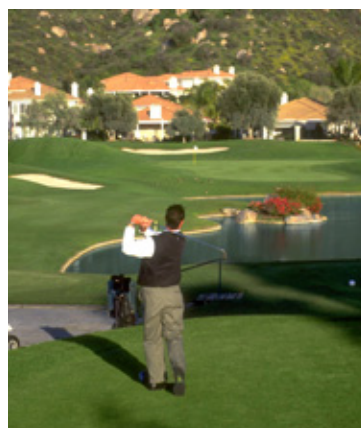
recruiting, salary survey review, marketing and branding, technology, tax incentives and background checks — to

name a few topics. After each panel's completion, the panelists/experts became our round table leaders so people could ask them questions and ask for clarifications of some of the issues in an informal setting.

The venue (and food!) was so perfect that we have decided to push "replay" for 2006. The comments from the attendees about Sycuan Resort were too fabulous to ignore. Comments that we heard ranged from "the best Owners Only Retreat yet," to "this was my first time to be at this event and I wouldn't miss it again."



A well deserved break after two days of networking and sharing!



We've scheduled a "replay" for the Owners Only Retreat next year — October 27-28, 2006. Save the date! Don't miss it!

14 Candidate Questions

By Gary Stauble

How many times has your heart been broken by a candidate that looked good at first and then fizzled as the interview process got rolling? This article provides a template for you or your staff to examine and review when evaluating people. It's a tool for reducing the amount of time that you waste in pursuing candidates who will ultimately not get hired. These 14 items are things to look for with everyone you evaluate.



1. Does the candidate have the skills necessary for the job you are recruiting for? If he does have the skills, are they current or were they used several years ago?
2. Has the candidate stayed at companies for a reasonable amount of time (2-4 years) or has he jumped around every year? If he has jumped around, are the reasons valid?
3. Has the candidate been at his/her current company for too long (6+ years)? If so, he/she may be very resistant to actually leaving (even if indicated to the contrary).
4. Has the candidate been a contractor much of the time? If you're looking for a contractor this is fine, but if you're looking for a permanent employee, this could be a snag.
5. Is the candidate local? Local is always better. Some companies may pay for relocation, but more things can fall through with an out-of-state candidate.
6. What about his personality and communication skills? Does he have a weak presentation style? Does he sound confident, or like a mouse? Do you trust what he is saying or does something sound fishy? Does he speak with pride or does he put you to sleep? Does he sound arrogant? For some highly technical positions it may not matter as much but generally this is a very important area.

7. Is this a position that will be a step up for your candidate? If not, you need to understand why he would go to a company for a step down or sideways.
8. Has the candidate worked for quality companies? You can guess that he has some quality skills if he has worked for Oracle, Microsoft, Xerox, etc.
9. Does he have a valid reason for leaving (more responsibilities, not able to expand his skills, unstable company) or is it a questionable reason ("I'm always looking," or "more money"). Without a valid "wound," he will be easily swayed when it comes time to quit.
10. How much total industry experience does he have? If the person has the title of "Director" but graduated from college 3 years ago, that's a flag.
11. Has the person worked in a similar industry and company size compared with the position you are recruiting for? This is not so important with some technical positions because the skills often transfer between industries. But if you are looking for a Controller for a large law firm, someone who has been a Controller with a small manufacturing company may not be a fit.
12. Does the person have relevant certifications (CPA, MCSE, etc.) for the position?
13. Are his salary expectations reasonable?
14. Is the candidate willing to make a decision on an offer within 24 hours of receiving it?

Having the right answers to any single question above does not necessarily mean the person is a fit and the wrong answer does not necessarily mean the person is not a fit. These questions, when combined, will give you valuable information about a candidate's marketability. Soberly assessing a candidate's skills and interests at the front end of the process and you'll have a better idea about the reality of placing that candidate.

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Gary Stauble is the principal consultant for The Recruiting Lab, a coaching company that assists Firm Owners and Solo Recruiters in generating more profit in less time. Register for his free monthly e-zine, "Creative Recruiting" at www.therecruitinglab.com.

Newly Accredited Consultants

On October 15, 2005, thirty-four recruiting and staffing professionals became California Accredited Consultants by passing the Fall exam. Twice yearly, CSP offers this accreditation exam and over 1,200 recruiters have become accredited since 1990. Congratulations!

Amy Hill	Renoir Staffing Services, Inc.
Charlotte Ford	Sage Employment Consultants, Inc.
Christy Mora	DEC Healthcare
Cyndi Warren	Finesse Personnel Associates
Debbie Sadorra	TLC Staffing
Elisa Vergara	Josephine's Personnel Services, Inc.
Elizabeth Barrios	Sundance Personnel Solutions
Fabian Garcia	LG Staffing Solutions, Inc.
Jennifer Santos	Mitchell Personnel Services
John Bocanegra	Sundance Personnel Solutions
Julia de Araujo	epeoplerecruiting
Karen Mattonen	Advanced Career Solutions
Kellie Lewis	Savvy Employment Specialists, Inc.
Kristi Marines	CORESTAFF Services
Kyle Hansen	Keifer Professional Search
Laura Kulick	Artizen, Inc.
Ma Teresa Delos Reyes	Josephine's Personnel Services, Inc.
Mariela Ramirez	Renoir Staffing Services, Inc.
Melissa Brandt	Advanced Employment Services, Inc.
Pat Russo	Sage Employment Consultants, Inc.
Richard Mitra	ASG Inc.
Robert Glass	Keifer Professional Search
Sarah De Forest	Alliance for Workforce Development, Inc.
Sari Crevin	Bay Area TechWorkers
Sean Radding	CORESTAFF Services
Sharmaine Santos	Artizen, Inc.
Stella O	CORESTAFF Services
Steven Williams	epeoplerecruiting
Susan Dickinson	Josephine's Personnel Services, Inc.
Tijerra "Kit" Bostick	Renoir Staffing Services, Inc.
Tonya Gonzales	CORESTAFF Services
Tracy Fanucchi	PrideStaff
Wanda Carinio	Renoir Staffing Services, Inc.
Yvonne Randall	Ryals & Associates, Inc.



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in the State**

Pat Russo

Sage Employment Consultants

The next CAC exam is scheduled for April 22, 2006. If you have become certified through ASA as a Certified Staffing Professional (CSP) and are a recruiter in California, you are required to become California Accredited within 6 months of receiving your national (CSP) certification to maintain your CSP certification.

FCC Says Do-Not-Call Rules Inapplicable to Job Offers



As has been well publicized, the Federal Trade Commission and Federal Communications Commission established a national registry prohibiting telemarketing calls to consumers who have placed their numbers on a do-not-call (DNC) list. American Staffing Association has maintained that these rules should not apply to recruiter calls to job candidates when the candidates are not charged a fee. The FCC, in an

opinion letter issued to a staffing firm, confirmed ASA's interpretation of the rules.

"Telephone solicitation" is defined as "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services." The Telephone Consumer Protection Act and applicable regulations prohibit all telephone solicitations to "residential subscribers" who have placed their numbers on the DNC list. The FTC's telemarketing sales rule prohibits "outbound telephone calls," including calls "initiated by a telemarketer to induce the purchase of goods or services," to those on the list.

Given these definitions, the FCC has advised that the rules do not apply to calls made by recruiters to job candidates who are not charged a fee. Thus, staffing firms should not be required to "scrub" their calling lists against the DNC registry when calling job candidates, including initial calls to schedule screening interviews and later calls when positions become available. The rules also do not apply to calls staffing firms may make to businesses to enlist new customers.

However, calls to sell career placement services to individuals would be prohibited by the rules. For example, calls to provide counseling services or edit a résumé would not be allowed if the person called would be paying for those services.

The FCC's position regarding telephone job offers is consistent with court rulings interpreting the do-not-fax rules. In several cases, courts have held that faxes to job candidates do not run afoul of the rules because offering jobs does not constitute the sale of goods or services.

In the context of e-mails, ASA has submitted comments to the FTC regarding the Can-Spam Act, arguing that e-mails to candidates should not be covered by the act when staffing firms are not trying to sell candidates anything. The FTC continues to promulgate rules to implement Can-Spam, and ASA will continue to try to obtain an interpretation favorable to the staffing industry.

— by Stephen Dwyer
Deputy General Counsel, American Staffing Association

Protect Yourself from Tempnapping and Back Door Hires

By Wilson Cole

The economy has recovered from the slow down of a few years ago and it seems like everyone needs additional staff or help finding qualified candidates for direct hire. That's the good news. The bad news is that we have seen a spike in recent months of "Back Door Hires" and "Tempnapping." Here's how you can protect yourself.

First let me take a moment to explain what I am talking about when I say "Tempnapping" and "Back Door Hires" so everyone is clear about the subject. Back Door Hire is when you present a candidate and the company hires the candidate without your knowledge and cuts you out of your recruitment fee. Tempnapping is similar, but it happens when you send a temp to a location and they call the temp back to have them work on their own payroll.

I do not have to tell you how much this costs you when it happens. You have to cover all the costs of recruiting the individual, marketing them to the company either as a temp or as a direct hire candidate and then, when it gets to the point of having them pay for it, they go directly behind your back. In my opinion, these types of collection cases and debtors are the worst because they have stolen someone from you. Most companies that come in to Adams, Evens & Ross for collections are good companies and good people. They have just misjudged cash flow. But the ones that come in for tempnapping and back doors hires are the worst of the worst in my opinion, because they never intended to pay you. They pick up the phone and call you knowing full well from the very beginning they never intended on paying you a dime.

So now that I have pointed out the obvious, let me give you some tools and some guidance on what you can do in the future to protect your company. The solution is primarily the same regardless what side of the industry you are on. If you are a temporary agency, you need to put the following safeguards on your Credit Application and Timesheets. If you are a recruiter, make sure it is on your Fee Agreement.

Lesson One:

Get a signature. Yes, we can still collect in most states with just a paper trail, but it is much easier to get it collected if someone with "perceived authority" signs your paperwork. If the deal goes south, sometimes the debtor will claim the person did not have authority to sign.

Legally all you have to have is perceived authority. Let me give you an example in plain English. If the Manager, VP, Director or Supervisor signs, you are in good shape. They would all have "perceived authority," but if the janitor, doorman, security guard or receptionist signed, they would not have perceived authority.

Lesson Two:

Be very specific on what is owed if the candidate or temp is hired. For example, 25% of estimated yearly earnings or 33% of base pay would be specifics and be very easily enforced. So the key is to be very specific.

Lesson Three:

Make sure you mention that you are owed regardless if they become an employee, independent contractor or work for a third party. Also, you want to make sure you state that you are owed if they work full time or part time.

Lesson 4:

Make sure they agree to pay reasonable collection and/or attorney fees if they fail to pay. You also want to mention your late fees and interest on any unpaid invoices. The law is very clear here. If you do not have a signed

contract specifically on these items, you cannot charge the debtor for those items if the account goes into default. You have to absorb those costs even if you win in court.

I also wanted to offer you a free "Credit and Collection Audit." Over the last 15 years I have collected millions of dollars for over 800 staffing and recruiting firms. I have developed a "Credit and Collection Audit" that will tell you instantly if you are at the bottom or the top of the industry when it comes to Credit and Collect Risk. Simply go to www.aercollections.com/test and answer a few simple questions and the system will automatically tell you where you fall in the industry.



CSP Associate Member Wilson Cole is President and founder of Adams, Evens & Ross. Serving over 800 staffing firms and recruiters, Adams, Evens & Ross has grown to become the nation's largest credit and collection firm exclusively for the employment industry. Wilson has authored "The Complete Credit and Collection System for the Staffing Industry" and has taught Credit Risk classes to thousands of recruiters and staffing firms. Over the past decade he has personally collected millions of dollars for hundreds of clients in the employment industry. Wilson also holds a Black Belt in Ho Shin Do Karate and a B.S. in Business Law. His phone number is 800-452-5287.

CSP Chapter News

Los Angeles Chapter

"Casino Night" LA's Annual Fund Raiser

The Los Angeles Chapter held its annual fundraiser this past September. Our chosen charity for the year is *Chrysalis*, a nonprofit organization dedicated to helping economically disadvantaged and homeless individuals become self-sufficient through employment opportunities.

Our attendance was less than expected due to the fire in the West Valley. Many of our members were caught behind the fire line. All roads leading to LA from Ventura were in gridlock or closed. Two of our board members were evacuated from their homes, but fortunately all of our members and friends suffered no injuries or damages. Despite the setbacks the show went on.

We all were given the opportunity to find out more about the wonderful service *Chrysalis* provides. Not only do they assist people, but also the community of Los Angeles at large. The Vice President of Development, Hillary Oberstein, made the inspirational presentation. To find out more about *Chrysalis*, go to www.changelives.org.

Thanks to the great prizes donated by our membership, the casino action was hot! Todd Goldstein, our Treasurer, and Chris Rodriguez from The Work Number were glued to the Texas Hold'em table and won big. The fast action was at the Blackjack and Craps tables. Our friends from Bibby, including Randy Haney, made out big at Craps. We've heard rumors that chips were being exchanged for ??? at the Blackjack tables, but nothing concrete. The two grand prizes went to Kris Holland who won the 27" LCD TV that was donated anonymously. Todd Goldstein won the "Life's Planning Package" donated by Ed Cogan, Merrill Lynch.

The biggest thanks go to our event sponsors. Without their participation, the show would not go on. Below is their contact information. We believe in supporting the people who support us. Please contact them because many do provide additional services and discounts to CSP members.

- **Bibby Financial Services**, Randy Haney, 805-446-6111
- **Rental Solution**, Michael Fiscina, 877-877-7175
- **LSQ Funding**, Lorraine Julius, 800-804-1334
- **The Work Number**, Chris Rodriguez, 888-521-9675
- **Occuscreen**, Beth Mirsky, 888-833-5304

Sexual Harassment Training

At our October 16 meeting we provided the opportunity for our membership to meet the December 31, 2005 deadline

for AB1825. The state requires all persons who supervise others to have the training.

Our facilitator was Sharon K. Stull, J.D., PHR, Human Resource Director for Poms & Associates Insurance Brokers, Inc. Sharon also provides the training to LAUSD. She provided our participants a comprehensive and interactive program that was actually a pleasure considering we were dealing with legal issues.

All who attended not only enjoyed the event but also fulfilled the legal requirement. If you were unable to attend, by popular demand we are having a second session December 10, 2005 at the Embassy Suites LAX, please contact the LA Chapter. In addition to the December 10 training, other upcoming events include "Red Hot Legal Issues" on January 18, 2006, and "Motivation Day" is scheduled for February 25.

Orange County Chapter

The September OC Chapter event was held at Buca de Beppo in Irvine. We all enjoyed the Italian style menu, but the star was Jeff Black, a Principal Consultant of McDermott & Bull Executive Search who won over the attendees. Jeff discussed why "Authentic Relationships Are Good Business" and showed us why "Machiavelli Was Wrong!" By the end of the meeting the room was buzzing and people were sharing. More than a handful stayed at least an extra half hour to talk and share. Many people came up with great ideas on building stronger relationships with clients and networking with other recruiters.

October's meeting was held at McCormick and Schmicks Restaurant in Irvine. Dean Gavello, President of The Bennett Group of Santa Ana (www.thebennettgroup.net) is to be congratulated for his stellar contribution and facilitation. Key points covered were:

- How to recruit more candidates
- No less than 10 fantastic, no cost ideas were shared on getting more out of our existing candidate base
- How to continuously mine, mine, mine - never forgetting we're in the information gathering business. Information = \$\$\$
- How to build rapport that keeps paying us back over and over

The Chapter would also like to thank Ms. Lorraine Julius, Vice President, Business Development of LSQ Funding (www.lsq.com) who provided two Nordstrom gift cards for attendees as door prizes.