HUMAN RESOURCES

& LABOR LAW

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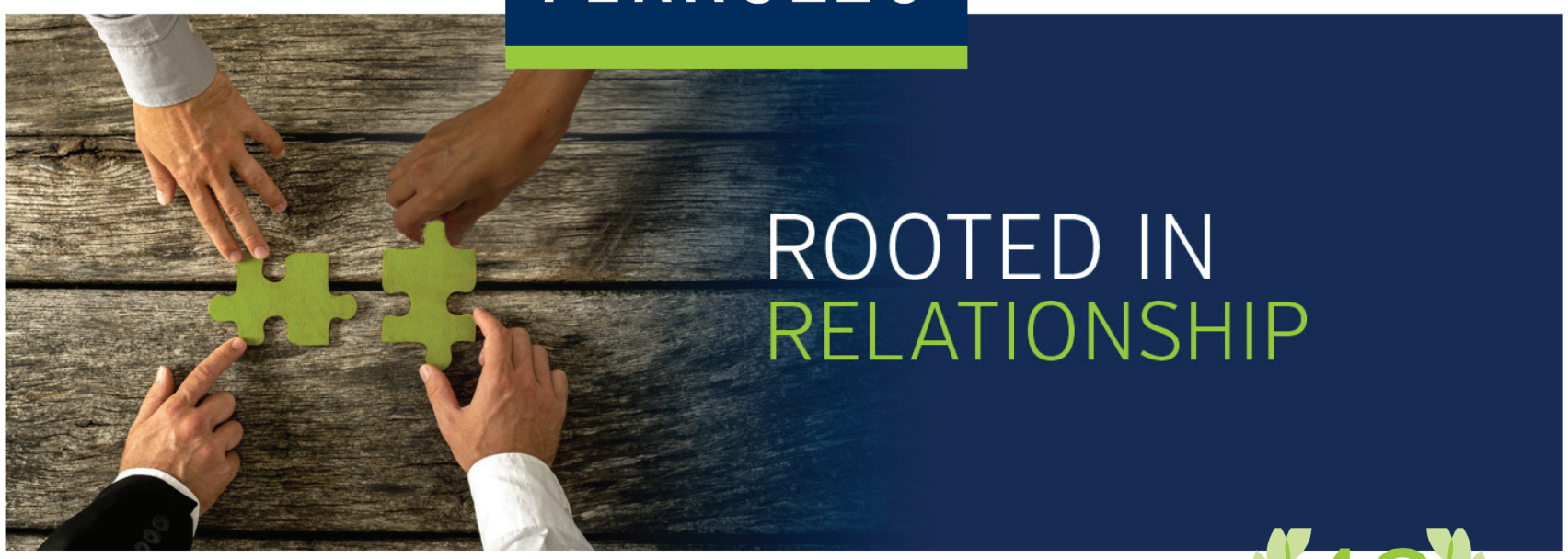

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42 YEARS

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For the past 42 years, Ferruzzo & Ferruzzo, LLP has known how important your legal issues are because we take a personal interest in you. Strong, lifetime relationships form the cornerstone of our practice. In celebration of our past 42 years, we thank all of our clients and trusted advisors who have contributed to our success. We look forward to the next 42 years, Rooted in Relationship.

BUSINESS TRANSACTIONS We work closely with you, your business, and your trusted advisors to set and achieve strategic plans. From start-ups to business operations, expansion to acquisition or sale, and devising an exit strategy, our transactional attorneys bring powerful expertise in the areas of tax planning, merger and acquisitions, deal structure planning, real estate transactions, and asset protection.

NEW DEALERSHIP REPRESENTATION Beginning in 1984, Ferruzzo has represented new vehicle dealerships. In addition to advising new motor vehicle dealerships, we have negotiated with all of the vehicle manufacturers, set up and reorganized dealership entities, and provided advice on the daily operations and laws governing the sale, rental, lease, financing, and repair of motor vehicles.

BUSINESS LITIGATION Our trial lawyers vigorously prosecute or defend your case and have brought to successful conclusion trials in state and federal civil court, appellate court, arbitration and before federal, state and local administrative boards and commissions. Our caseload regularly includes corporate and partnership disputes, real property disputes, and construction defect defense. Whatever litigation issue you may be facing, we'll walk you through it every step of the way.

REAL ESTATE Working alongside both owners and users of commercial real estate, our goal is to add significant value to the processes of property acquisition, due diligence, development, operations and disposition. Our depth of experience in real estate extends to construction, environmental conditions and sophisticated lease transactions and our approach is both efficient and practical. It's not about meeting your expectations, it's about exceeding them.

ESTATE PLANNING Our team of estate planning attorneys design and implement estate plans that accomplish your objectives, ever mindful of preserving family harmony and providing smooth asset transition with minimal opportunity for dispute or court interference. You want experience, knowledge, and specialization. That's why our attorneys include Certified Specialists in the areas of Estate Planning, Trust and Probate Law. Meticulous planning – it's what we do.

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2024 BUSINESS OUTLOOK: YEAR OF THE DRAGON

As 2023 nears close, let's briefly reflect on our convergence of survival and thrive-all this year. While the 'sky is falling,' mantra echoed interest rate, real estate, and global developments, the year ends with historic consumer consumption on Black Friday, leveling interest rates, solid employment, a sigh of relief that actors, not robots, will star in your favorite streamer and stable credit card debt. While some predict a massive recession on the Horizon, others visualize a 'soft landing,' and others still see a Bull Market expansion. Sadly, as is yours, my Crystal Ball is still in the shop for repairs, with no timeline on its return due to lingering "The Oracle"-part and supply chain shortages.

2024, Astrologically, is also the Year of the Wood Dragon, last seen in 1964, and where the economy grew over 6%. The dragon is a symbol of power, wisdom, transformation, energy, and creativity, and it forecasts a prosperous 2024, albeit one with navigable risks. Here are 2024 top trends in Business and Employment.

Business

1. Regulators Ride! At a state and federal level, environmental, employment, consumer protection and worker safety regulators are out in full force and effect. Expect more FTC investigations, more OSHA inspection activity, more financial fraud protection inquiry into regulated businesses. We predict a 'when, not if,' event horizon for your business so consult with your counsel on appropriate compliance and response.

2. Generative AI to focus Brand strategy, market share expansion and consumer engagement. The bevy of offerings in various markets will require material business differentiation with significant deployment of technology. Companies' ability to plot and efficiently navigate that span to their customer base using AI and strategic algorithms will undoubtedly monetize that efficient speed and accelerate their trajectories. Generative AI will create production efficiencies which will ask questions of your labor force makeup, pricing and business models, and market competitiveness. Like it or not, the Future is Now, so leave static business sentimentality in the rear view. Evolve or Reinvent!

3. Ransomware is the new cost of doing business. Ransomware attacks have exploded, primarily targeting businesses through email phishing. Industry reports ransom payouts of nearly $500,000 per attack. This trend will continue and businesses need to consider a compounding blend of cyber insurance, negotiator consultants to reduce the demand 60-70%, and internal controls to silo certain sectors of an organization's proprietary business information.

4. Sustainability and Data, data, data. With so much client, consumer and labor choice, business sustainability and community responsibility objectives are paramount. Sustainability drives efficiency, global awareness and breeds loyalty at all levels of an enterprise' existence: collaborators, customers, community, its people. And data sensitivity and management are key to this. Data is accelerating as a commodity to be valued richly alongside the very goods and services being marketed. Strategic aggregating of an enterprise' data serves to protect and preserve, personalize the client or consumer experience, and then create efficiencies-at-scale. Gather, parse, analyze, realize, deploy, profit. Indeed, 'know thy self,' now equally applies to business more than ever.

5. Mergers and Acquisitions Activity. With proliferating goods and services, and significant private equity sidelined over the last year due to the cost of money and economic uncertainty (and two global conflicts), 2024 will likely see increased M&A activity in acquisition and investment. Again, AI will drive deal efficiencies in areas of underwriting, valuations, and due diligence.

Employment

New California Labor Laws effective 2024 will continue to reshape the Employment relationship. Here are three seminal new developments:

Paid Sick Leave: Effective 1/1/2024, employees will be entitled to 5 days/40 hours of paid sick leave. This is an uptick from the previous 3 days/24 hours allowance. Employees must be able to accrue 40 hours by their 200th day of work; and 24 hours by their 4th month. Employers' ability to cap accrued paid sick leave use will be 40 hours per year, as opposed to 24 hours and the annual accrual cap is now 80 hours vs 48 hours.

Noncompete Agreements: The new law bars employers from creating or attempting to enforce noncompete agreements with employees. Noncompete agreements are void in California regardless of where the employee worked or where the employee signed the agreement. Importantly, aggrieved employees have been given a new civil cause of action for damages and attorneys' fees if they are subject to such an agreement. Finally, employers are required, by Valentine's Day 2024, to inform their current and former employees that applicable agreements are void and not-binding.

Reproductive Loss Leave for Employees: Effective 1/1/2024, employees will be able to take 5 days of unpaid leave following a "reproductive loss event," which is defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, or a miscarriage, stillbirth, or unsuccessful assisted reproduction.

Workplace Violence Prevention Program: Effective July 1, 2024, California employers must adopt comprehensive workplace violence prevention plans, which include: recording incidents or threats in a violent incident log; provide training to all employees; and maintaining records. This can be a standalone plan or part of the employer's IIPP (CALOSHA Injury Illness Prevention Plan/Program).

Employers should use the impetus of the above sampling of new significant laws to consult with legal counsel to update their Handbooks and IIPP, the latter being the first document OSHA requests when it inspects your business.

Finally, your people are the heart of your organization and success; listen to them- Diversity, emotional intelligence, and the ability to learn in a collaborative environment will continue to prioritize the evolution of the labor market. Similarly, employers must recognize that organizational loyalty is built on relationships that are sensitive to the need for remote work, flexible schedules, opportunities for personal growth, and a responsible, ethical business ethos.

Winter is coming, but the lucky Dragon's approach bodes well for your prepared enterprise; consult with counsel and Happy New Year!

VASKO MITZEV, Esq.. is a Partner within the Firm's Business Litigation practice group. He handles all aspects of business litigation, corporate and real estate disputes. Additionally, Mr. Mitzev defends claims against employers, which include discrimination, wage/hour violations, and PAGA claims.

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The Future of HR Management – What Will 2024 Bring?

The profession of human resources management continues to evolve rapidly in the wake of new technology and changes in company culture. HR leaders must now focus on specific skills needed to thrive in their profession. As HR professionals become increasingly crunched in terms of time and resources to meet the challenges before them, we look ahead at how proper HR planning and a more strategic approach can relieve the pressures they may now face.

The Challenges for HR Management Today
The need for a strategic approach stems largely from the huge changes that have affected the workplace in recent years. It is a common misconception that HR professionals narrowly focus on the hiring and firing process. In addition to these duties, there is an expectation to balance the long list of significant issues involving talent shortages, employee well-being and mental health, the growing desire for remote/hybrid work, and, as we have seen in recent news, mass layoffs and company restructures. Both management and employees often look to HR professionals to balance their needs and the needs of the company.

As the issues continue to become more complex, HR teams need to strategize on the key areas of focus and on the resources they'll need to move forward effectively in 2024 and beyond.

Top Focuses for HR Teams
In SAGE's report, HR leaders agree that talent management is a top priority going forward. Their next highest priorities are diversity, equity and inclusion (DEI) in the workplace, followed by employee health and well-being.

Talent Management
Attracting and retaining talent has always been a vital core of HR work. Due to the many disruptions we have seen in the business world as of late, HR teams will need to be adaptable and innovative as they strategize recruitment, training, and development plans.
On the topic of retaining talent, they will have to demonstrate their company's commitment to employee well-being and be ready to offer flexible working arrangements if there is a growing need for it.

Data-driven recruitment initiatives can help streamline the tasks associated with talent management, making it possible to identify the talent they are looking for and to make smart hiring decisions as efficiently as possible.

Diversity and Inclusion
DEI is now at the heart of HR work, not just a box to be checked off. Through promoting diversity and inclusion, HR can lead the way in creating an environment in which all employees can thrive in an atmosphere of trust and respect. Businesses' bottom lines receive a boost when they tap into their employees' talents and potential, fostering innovation.
HR teams can show their commitment to inclusion through creating more diverse talent pipelines both for recruitment and for internal promotion. Initiatives that also prioritize diversity include unconscious bias training, speedy response to any pushback against DEI efforts, tailored communications that highlight the positives of inclusion, targeted training and upskilling, and addressing any issues of pay inequity.

Employee Well-Being
With 81% of employees stating that they want their workplaces to support mental health, it's clear that HR must focus on employee well-being to attract and retain talent. Research shows that when employees feel empowered and happy, engagement, productivity and collaboration abound. Companies benefit as employee morale and productivity improve.
Recent initiatives that are proving successful in promoting employee well-being include offering counseling or therapy as a paid benefit, offering personal financial education, looking for ways to incorporate flexible or hybrid work scheduling, and empowering employee decision-making on the job.

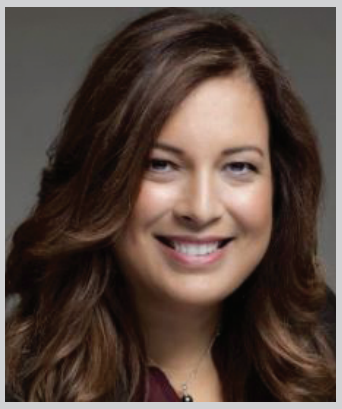
What Will HR Teams Need in 2024 and Beyond?
With their priorities clear, HR leaders know what they need to succeed and to help employees thrive in 2024 and forward. At the top of the list: upskilling, support, and the appropriate technology to simplify and streamline their jobs.

Upskilling in HR
Today's marketplace requires HR teams to remain nimble, which in turn requires constant learning and upskilling. While much of today's required upskilling involves new technology, HR teams should also remain always conscious of the fact that human skills are irreplaceable. These vital skills include attention to detail, customer service, social intelligence, communication, collaboration, continuous learning, and leadership.

Peer-to-Peer Support
It can be hard to find people who truly understand what dedicated HR teams have had to deal with over the past few years. That is why one of the key needs expressed by HR leaders is that of peer-to-peer support. When HR professionals can turn to networks within their companies as well as reaching out to peers across their industry, they are better able to support one another and share tips about how to approach their jobs. Internal networks also allow management within their companies to better understand the changing roles of HR.
One of the most effective sources of peer-to-peer support is available through various HR associations, including the National Human Resources Association (NHRA), Professionals in Human Resources Association (PIHRA), the Society for Human Resource Management (SHRM) and TempNet.

Incorporating Advancements in HR Tech
With increase access to data and advance technology, HR teams are at the forefront of a massive change starting to sweep across businesses. Data-driven decisions can help HR improve their recruitment, support employee engagement, make accurate and smart decisions, and measure their own impact. The challenge in 2024 and beyond is for HR leaders to understand what advancements in tech mean for their divisions and learn how best to incorporate them.
In 2024 and beyond, the HR Management is poised to help businesses move into the future through the focus on talent acquisition, diversity and inclusion, employee well-being, and smart technology.

How Marquee Staffing Can Support HR Leaders
Claudia Perez is Marquee Staffing's Senior Vice President of Operation. With a robust background in business development, she oversees strategic operations, implements innovative marketing projects, and enhances recruitment efficiency. Claudia's approach has propelled Marquee Staffing to the forefront of the industry. Known for fostering enduring partnerships, Claudia prioritizes quality, customer service, and strategic placements, ensuring client success. She also commits herself to enhancing recruitment efficiency which, in turn, has bolstered Marquee Staffing's reputation for delivering top-tier talent to its clients. She understands the intricacies of each client's unique needs and collaborates with her team to tailor solutions that drive growth and success. Her leadership is pivotal, steering Marquee Staffing toward continued success in the competitive staffing landscape.


Claudia Perez

If you have been feeling the pressure from the changes in today's HR workplace, we are here to help. Marquee Staffing is proud of its long affiliation with numerous associations, like the ones outlined above, as well as HR associations local to Orange County, which provide a wealth of resources and support to HR professionals. As a local, relationship-focused staffing agency, we understand the challenges you are facing, and we can provide the specialized services you need. We have a vast pool of talent to fill your part-time and full-time vacancies. Our team of expert recruiters handle the recruiting and sourcing process so you can focus on other critical tasks. Put us at the top of your list when you need to augment your staff.

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