



American Staffing Association

**Certified Staffing Professional™ Program
Technical Services Certified™ Program
Rules and Procedures**

Purpose

Certification is a key element in maintaining high standards of professionalism in the staffing industry. The Certified Staffing Professional program and the Technical Services Certified program are voluntary education programs that offer a professional credential through completion of an in-depth self-study program, and examination of labor and employment law principles and ethical practices applicable to the staffing industry.

The primary purpose of these programs is to promote the delivery of high-quality staffing services through the development of a professionally trained staff with knowledge of the laws and ethical standards applicable to the staffing business, and to help staffing firms retain qualified employees by providing a means for professional advancement and career growth within the industry.

To administer the CSP™ and the TSC™ programs, the American Staffing Association has adopted the following rules and procedures.

Program Eligibility

To be eligible to receive the CSP or TSC designation, a candidate must

- Be an employee of a staffing firm that is an active (i.e., voting) member of or is eligible for active membership in the American Staffing Association, or be an individual who provides staffing industry education or training services
- Agree to uphold the ASA Code of Ethics and Good Practices

Candidates in California are *required* to earn the California Accredited Consultant (CAC) designation administered by California Staffing Professionals, an ASA-affiliated chapter, within six months of receiving a CSP or TSC designation; after earning the CAC designation, such individuals shall receive six hours of approved legal continuing education toward their first CSP or TSC renewal.

Certificate of Completion—Employees of staffing industry vendors and suppliers, and human resources professionals employed by for profit companies, are not eligible to earn ASA designations but may still take the CSP exam or TSC exam. Upon passing the exam, such individuals will receive a Certificate of Completion. Anyone who is eligible to earn either the CSP or TSC designation may not earn the Certificate of Completion. The Certificate of Completion is valid for three years from the exam date and can only be renewed by retaking and passing the exam. There are no continuing education (CE) requirements for Certificate of Completion holders.

Change of Certificate of Completion Holder Status

If an individual who has been awarded Certificate of Completion becomes eligible to receive the CSP or TSC designation, he or she may apply for the CSP or TSC designation. To be awarded such designation, the individual must

- Notify ASA of his or her change in employment status or circumstances rendering the individual eligible for certification
- Complete all requisite applications
- Pay all requisite fees

The newly acquired CSP or TSC designation will be valid for three years from the date such person is awarded the CSP or TSC designation. In order to renew either designation, the former Certificate of Completion holder must earn 30 continuing education (CE) hours within three years from the date such person is awarded the CSP or TSC designation.

All persons in California converting a Certificate of Completion to a CSP or TSC designation are *required* to earn the California Accredited Consultant (CAC) designation administered by California Staffing Professionals, an ASA-affiliated chapter, within six months of receiving a CSP or TSC designation; after earning the CAC designation, such individuals shall receive six hours of approved continuing education toward their first CSP or TSC renewal.

Enrollment

To enroll in ASA certification programs, eligible candidates may register, pay enrollment fees, and purchase study materials online at americanstaffing.net; click on Education & Certification.

General Program Rules

1. Except for individuals who have been grandfathered, candidates must successfully complete the CSP or TSC examination in order to use the CSP or TSC designations. A candidate who fails the CSP or TSC examination may retake it for a one-time, discounted reexamination fee provided that the candidate applies for reexamination within 90 days of notification of failure. Thereafter, the candidate must pay the full fee.
2. The CSP and TSC designations are individual credentials and cannot be used as a corporate designation. The designation may be used following the legal name of the individual certified, or in any other appropriate manner, except as may be prohibited by law. The designation shall be in type no larger than that used in the certified individual's name.
3. Any individual who earns CSP or TSC certification and who satisfies the requirements for maintaining such certification may continue to use the designation whether or not the individual continues to be employed.
4. A staffing services firm may, in its advertising, refer to the fact that the firm employs individuals holding the CSP or TSC certification provided that at least one individual with management responsibility within the firm is certified, and provided that the advertisement does not state or imply that the firm itself is certified or accredited.

CSP Examination

The CSP examination is a two-hour exam conducted online at *www.staffingtoday.net*. The examination will test candidates' knowledge of the following areas covered in the two ASA books, *Employment Law for Staffing Professionals* and *Co-Employment: Employer Liability Issues in Third-Party Staffing Arrangements*, and the ASA supplement to *Employment Law for Staffing Professionals, New FLSA Overtime Regulations*.

- Pre-employment process
- Equal employment opportunity laws
- Screening candidates; Immigration Reform and Control Act
- Substance abuse and drug testing in the workplace
- Employment agreements, employee handbooks, and restrictive covenants
- Wage and hour laws
- Family and medical leave
- Workplace safety; staffing firms and the Occupational Safety and Health Act
- Wrongful discharge
- Preventive measures to reduce the likelihood of employment-related claims
- Labor-management relations
- Employee benefits
- Workers' compensation
- Co-employment

Examination questions will be based on the content of these books, and the ASA Codes of Ethics and Good Practices (see Appendix). To prepare for the exam, candidates should study and master material contained in these materials.

Many ASA chapters will offer educational programs geared specifically toward preparing for the CSP examination. For program details, visit the Affiliated Chapters page of the ASA Web site, *americanstaffing.net*.

TSC Exam

The TSC examination also is a two-hour exam conducted online at *americanstaffing.net*. The exam is a 100-question, multiple-choice exam.

The TSC exam covers an in-depth course of study on the legal, legislative, and regulatory requirements governing the technical services industry. The examination will test candidates' knowledge of the following areas covered in ASA's *Employment Law for Technical and Contract Staffing Professionals*.

- Employee classification
- Hiring and screening
- Employee compensation
- Safety and benefit issues
- Contractual agreements

Public Recognition of CSP or TSC Status

Individuals who have been awarded CSP or TSC certification may receive public recognition of their accomplishment in industry publications and other public media. By submitting an order form to be eligible to take the CSP or TSC examination, individuals expressly authorize ASA and any ASA-affiliated chapter to publicize their names and company affiliation at ASA's sole discretion and through print, electronic and other media, for recognition purposes unless they request in writing that their individual or company names not be publicized.

Release of Information Pertaining to Candidates, Holders of Certificates of Completion, and Holders of CSP or TSC Designations

By submitting an order form to be eligible to take the CSP or TSC examination, you expressly authorize ASA and any ASA-affiliated chapter to release to third parties, at ASA's sole discretion, your grades, continuing education credit earned, name and contact information, and other information pertaining to (i) your candidacy for or participation in ASA's certification programs; and (ii) your candidacy for, receipt of, or participation in ASA's Certificate of Completion programs.

Nondiscrimination Policy

ASA certification programs are open to all eligible candidates without regard to race, color, religion, national origin, sex, age, disability, or any other characteristic, trait, or class protected by applicable law. Reasonable accommodations will be made for persons with disabilities as required by the Americans With Disabilities Act and applicable state or local law. Individuals requiring accommodation should provide ASA information establishing the nature and extent of the disability sufficiently in advance of the examination to allow time to arrange any accommodation.

Continuing Education Requirements

To maintain the CSP or TSC designations, all individuals must complete at least 30 hours of approved continuing education (CE) credit within a prescribed period following the award of their CSP or TSC certificate and within each such period thereafter as specified by ASA. At least six of the 30 CE hours must pertain to employment law.

CSP or TSC professionals in California are *required* to earn the California Accredited Consultant administered by the California Staffing Professionals within six months as part of their CSP or TSC continuing education obligation. By doing so, individuals will receive six hours of legal credit in their first CE period.)

Below are the dates by which CE hours must be earned for individuals receiving their CSP or TSC certificate.

Date of award of CSP or TSC certificate	Date by which 30 CE hours must be earned
Jan. 1, 2004 — June 30, 2004	July 1, 2007
July 1, 2004 — Dec. 31, 2004	Dec. 31, 2007
Jan. 1, 2005 — June 30, 2005	July 1, 2008
July 1, 2005 — Dec. 31, 2005	Dec. 31, 2008

* This date does *not* apply to TSC professionals who were awarded their TSC certificate prior to Oct. 31, 2003. For those individuals, the 30 CE hours must be earned by the date indicated on their TSC certificate.

CE hours may be earned only by participating in courses or programs that are approved by ASA for CE credit. Generally these will be educational activities offered by ASA, its chapters, or approved educational providers that are specifically developed for the CSP or TSC programs. However, other programs and activities, such as in-house staffing firm training programs and college courses, may be eligible for CE credit if approved by ASA. For an advance determination of whether credit will be given for such activities, individuals should contact ASA prior to enrollment. ASA has final authority to determine whether an educational activity is eligible for CE credit under the CSP or TSC programs.

Up to 12 of the required 30 CE hours may be satisfied by completing approved “passive” learning programs. The remaining 18 CE hours must be satisfied through “active” learning programs of which 6 must be in employment law. Passive learning involves programs in which students have no real-time interaction with the instructor or other students. Examples include audiotapes (e.g., Staffing World workshops) and CD or Web-based training that students complete at their own pace. A passive program that has been derived from an active program, such as a tape of a live workshop, may receive fewer CE hours than would be credited for the active program. Active learning involves programs in which the instructor and students can interact in real-time, such as conferences and training seminars, either in person or in telephonic or Web-based formats. Examples include ASA’s Staffing World workshops, regional Spring Sales Seminars, and InterAction programs; and chapter meetings that have been approved for CE hours. Other examples include leading or participating in CSP or TSC study groups and completion of pre-approved college or company-based courses.

Note for staffing professionals in California: CSP or TSC professionals in California are *required* to earn the California Accredited Consultant administered by the California Staffing Professionals within six months as part of their CSP or TSC continuing education obligation. By doing so, individuals will receive six hours of legal credit in their first CE period.

Documentation of CE hours: CSP or TSC certificate holders are responsible for maintaining records of their CE hours as proof of having satisfied the CE requirements. As soon as possible after attending continuing education programs, certificate holders should complete and submit a CE form (see americanstaffing.net, click on Education and Certification) to ASA or submit other documentary proof of attendance and credit hours earned. ASA will provide annual updates showing the individual’s cumulative CE record to date. **ASA may release his or her CE history to that person’s employer.**

Maximum CE Hours per Educational Event

No educational event shall earn more than 20 CE hours regardless of the length of the class. A course, which meets more than once, is considered to be one educational event.

Length of Time Educational Events Remain Eligible for CE Credit.

In order to earn CE credit, CSP and TSC professionals must submit educational events for CE approval no later than Dec. 31 of the year after the event occurred. For example, events held in 2004 must be submitted by Dec. 31, 2005 in order to be considered for CE credit.

How to Renew Your Certificate

CSP and TSC certified professionals should keep track of their certification expiration dates and submit a completed renewal application before their certification expiration date. Applications are available on the ASA Web site at americanstaffing.net; click on Education and Certification. ASA will send two reminder e-

mails to all CSP and TSC certified professionals—one 90 and the other 30 days before the expiration date. ASA will send the emails to the e-mail address on file at the time of the reminder, so it is important to notify ASA of address changes. Expiration dates will not be extended.

Reinstatement of Certificate After Expiration

Should individuals fail to meet their continuing education requirements, or fail to submit a timely renewal application prior to the expiration date of their certificate, they will be required to register for and retake the CSP or TSC examinations.

Decertification

A holder of the CSP or TSC designation may be decertified for violating the certification program rules, including the ASA Codes of Ethics and Good Practices (see Appendix).

Where decertification is based upon violation of the program rules or the ASA Codes of Ethics and Good Practices, the following procedures must be observed:

1. A complaint alleging a failure to comply with the program rules or ASA Codes of Ethics and Good Practices must be filed in writing with the president of the American Staffing Association. The ASA president shall refer it to the chairman of the ASA member education and certification committee, as appropriate, who shall consult with ASA counsel to determine whether the complaint alleges good cause for decertification. Such determination shall be made within 10 days from the date of receipt of the complaint.
2. If the complaint does not allege good cause for decertification, the chairman shall dismiss the complaint and the president shall notify the complainant in writing within five days from the date of such determination. The complainant shall be advised that there is no appeal from such a determination.
3. If the complaint does allege good cause for decertification, the ASA president shall, within five days from the date of such determination, send a copy of the complaint to the subject of the complaint (“respondent”), and at the same time shall send the complainant and the respondent a copy of these decertification procedures.
4. Within 10 days from the good-cause determination, the chairman of the appropriate certification committee shall appoint a review board (“review board”) of five members, none of who shall be current members of the ASA board of directors.
5. The review board shall schedule a hearing, notifying the respondent in writing at least 30 days in advance of the date, time, and place of the hearing. The respondent shall be specifically advised of the right to be represented by counsel, present witnesses on his or her behalf, and cross-examine all witnesses. The complainant shall be required to give testimony against the respondent. The respondent may waive his or her right to appear in person at the hearing and may agree that all evidence shall be submitted in any other manner suitable to the review board.
6. After hearing the evidence, the review board may dismiss the case against the respondent, issue a warning to the respondent, or revoke the respondent’s certification. The review board shall act by majority vote within 10 days after the hearing.

7. The respondent may appeal a decision of decertification by filing a notice to appeal, in writing, with the president of ASA within 30 days following the date of the decertification decision. The ASA president shall appoint a three-member appeals board from the ASA executive committee, one of whom, designated by the president, shall serve as the presiding member of the board.
8. The appeals board shall review the record of the proceedings and shall permit the respondent to submit a written statement explaining his or her position, which must be submitted at the time of the appeal. By majority vote, the appeals board may decide to hold a hearing, which decision shall be made within five days after receipt of the appeal. If the board decides to hold a hearing, it shall give the respondent and complainant 30 days prior written notice of the date, time, and place of the hearing, which must be held no later than 45 days after receipt of the appeal. The hearing notice shall include a statement advising respondent and complainant that they have 10 days from receipt of such notice to advise the board of their intent to appear at the hearing and that, if they fail to do so, a decision will be made based on the existing record.
9. The appeals board must notify the respondent of its final decision, in writing, within 30 days after receipt of the appeal, or if a hearing is held, within 30 days after the hearing. If the appeals board upholds the decision to decertify, the respondent shall, upon receipt of the decision, immediately return his or her certificate to ASA, and cease all use of the Certified Staffing Professional or Technical Services Certified designation.
10. No member of the certification committee or review board who has taken part in a complaint proceeding may serve on the appeals board with respect to the same complaint.

Questions Regarding the CSP and TSC Programs

All questions regarding eligibility, examination, continuing education requirements, certification status, the complaint process, or any other matter regarding the CSP or TSC programs should be directed to the CSP committee or TSC committee at American Staffing Association, 277 South Washington Street, Suite 200, Alexandria, VA 22314, 703-253-2020.

Appendix

Code of Ethics and Good Practices

As a condition of membership in the American Staffing Association, each member pledges its support of, and adherence to, the principles and practices set forth below. ASA members acknowledge that such compliance is in the best interests of the staffing services industry, its customers, and its employees. ASA members agree to always strive

- To comply with all laws and regulations applicable to their business, and to maintain high standards of ethical conduct in the operation of that business and in their dealings with employees, customers, and competitors.
- To treat all applicants and employees with dignity and respect, and to provide equal employment opportunities, based on bona fide job qualifications, without regard to race, color, religion, national origin, sex, age, disability, or any basis prohibited by applicable law.
- To maintain high standards of integrity in all advertising, and to assign the best qualified employees to fill customers' needs.
- To determine the experience and qualifications of applicants and employees, as the staffing firm deems appropriate to the circumstances, or as may be required by law.
- To explain to employees prior to assignment their wage rate, applicable benefits, hours of work, and other assignment conditions—and to promptly pay any wages and benefits due in accordance with the terms of their employment and applicable legal requirements.
- To encourage employee efforts to upgrade their skills.
- To satisfy all applicable employer obligations, including payment of the employer's share of social security, state and federal unemployment insurance taxes, and workers' compensation—and to explain to employees that the staffing firm is responsible for such obligations.
- To ascertain that employees are assigned to work sites that are safe, that they understand the nature of the work the customer has called for and can perform such work without injury to themselves or others, and that they receive any personal safety training and equipment that may be required.
- To take prompt action to address employee questions, concerns, or complaints regarding unsafe work conditions, discrimination, or any other matter involving the terms and conditions of their employment.
- To confirm their temporary employees' periods of service upon request by a subsequent employer and with the consent of the employee.
- To observe the following guidelines to ensure an orderly transition when taking over an account being serviced by another staffing firm:
 - The outgoing firm and its employees should, whenever feasible, be given reasonable prior notice that the account is being transferred.
 - Assigned employees of the outgoing firm should, whenever feasible, be allowed to continue working on the payroll of the outgoing firm for some reasonable transition period; thereafter, they should be given the choice of accepting an assignment with another customer of the outgoing firm if one is available, or applying to stay on their current assignment with the new staffing firm.

These guidelines are subject to enforceable contracts between staffing firms and their customers, employees, and other parties, and are not intended to prohibit or discourage any other provisions or arrangements, agreeable to the parties, that achieve an orderly transfer of accounts. ASA members are encouraged, whenever feasible, to specifically address the terms and conditions relating to the transfer of accounts in written agreements with their customers.

Code of Ethics and Good Practices for Day Labor Services

Recognizing that staffing firms that provide construction and other types of day labor services make an important and unique contribution to the communities they serve by providing employment for those who need temporary work, and further recognizing that their employees and prospective employees deserve to be treated with respect, fairness, and dignity, the American Staffing Association has established this Code of Ethics and Good Practices applicable to day labor services.

For the purposes of this code, “day labor” means work that is occasional or irregular, and where the individuals seeking work report voluntarily to a central location and are assigned to customer job sites as work becomes available. Individuals generally are assigned to work, and are paid, on a daily basis.

As a condition of membership, each firm providing day labor services pledges its support of and adherence to this code and to the general code of ethics and good practices applicable to all ASA members. Each member providing such services agrees to always strive

- To comply with all laws and regulations applicable to its business, and to maintain high standards of ethical conduct in the operation of that business and in its dealings with employees, customers, and competitors.
- To treat all applicants and employees with dignity and respect, and to provide equal employment opportunities, based on bona fide job qualifications, without regard to race, color, religion, national origin, sex, age, disability, or any basis prohibited by applicable law.
- To maintain high standards of integrity in all advertising, and to assign qualified employees to fill customers’ needs.
- To determine the experience and qualifications of applicants and employees, as the staffing firm deems appropriate to the circumstances, or as may be required by law.
- To explain to employees prior to assignment their wage rate, applicable benefits, hours of work, and other assignment conditions—and to promptly pay any wages and benefits due in accordance with the terms of their employment and applicable legal requirements.
- To ascertain that employees are assigned to work sites that are safe, that they understand the nature of the work the customer has called for and can perform such work without injury to themselves or others, and that they receive any personal safety training and equipment that may be required.
- To take prompt action to address employee questions, concerns, or complaints regarding unsafe work conditions, discrimination, or any other matter involving the terms and conditions of their employment.
- With respect to the procedures to be followed in dispatching:
 - To promptly advise individuals remaining in the dispatching office when it appears likely that no further customer orders will be received.
 - To pay employees a pre-stated minimum amount if they report punctually to a designated customer ready and able for work, and the customer does not utilize their services.
- To keep the dispatching office and the immediate surroundings clean and well lighted and to provide adequate restroom facilities for workers waiting to be dispatched.
- To pay wages only by negotiable check or in cash or cash equivalents, and to give employees an itemized statement of gross earnings, advances, deductions, and net earnings for each pay period.
- To pay wages at the staffing firm office or by mail to the employee’s mailing address. Other arrangements may be made at the request of the employee.
- To advise workers that they are not required to use staffing firm—supplied transportation, if any, to the customer job site.
- To confirm their temporary employees’ periods of service upon request by a subsequent employer and with the consent of the employee.