

New Form I-9

The U.S. Citizenship and Immigration Services (USCIS) announced that a revised Form I-9 will be available by November 22, 2016. The current version, which bears an expiration date of March 31, 2016, may be used through January 21, 2017. After January 21, 2017, the newer version of the form must be used.

Federal law requires that employers complete the Form I-9 to verify the legal work authorization status of all new hires. The recent revisions to the form are intended to reduce confusion and provide enhancements such as an electronic error-checking feature to eliminate technical errors that may result in fines to the employer. Even if completed electronically, however, the form must still be printed out and signed by the employee and the employer.

Among other changes, new electronic features will include:

- validations of certain fields to ensure a correct entry format;
- drop-down lists and calendars; and
- embedded instructions for each field.

On each employee's first day of work, she or he must complete and sign the employee section of the I-9 and provide acceptable, unexpired proof of legal authorization to work in the United States. To help new employees remember to bring proper documentation, it is a good idea to email or mail the form and instructions in advance of the employee's first day. Acceptable documents are those that are listed in the instructions to the form and employers are *not* permitted to specify a preference for one type of identification over another. The employer must physically view the employee's original documents and complete and sign the employer section on or before the employee's third day of work.

Your municipality may, but is not required to, photocopy or scan the employee's original documents. Federal and state law prohibit employment discrimination based on national origin, citizenship or immigration status, membership in a protected category of persons, or the perception that an applicant looks or sounds "foreign." Thus, following the same process for all new hires is important. It is a good idea to keep completed forms (with photocopies of documents, if applicable) in an I-9 file that is confidential, secure, and maintained separately from individual employee personnel files. Then, if I-9s are ever part of an audit or federal inspection, the I-9 file will be accessed and the confidentiality of employees' personnel files will not be compromised.

Further information about the employment eligibility verification process and a handbook of guidance and complete instructions are available on the I-9 Central webpage of the USCIS, <https://www.uscis.gov/i-9-central>. You may also call the Municipal Assistance Center at 800-649-7915 or email questions to MAC-HR@vlct.org.

Jill Muhr
VLCT Human Resources Consultant