

February 2, 2009

Government Delays New Form I-9 Until April

The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) has announced that it is delaying by 60 days implementation of the new Form I-9 that employers were supposed to begin using today. Now, the new Form I-9, which is used for verifying employment eligibility, is scheduled to be put into use by employers on April 3, 2009. In the meantime, employers should continue using the current Form I-9 (which can be identified by the revision date of 06/05/07 in the lower right corner of the form).

The updated version that is now on hold reflects changes in the list of acceptable documents to verify employment eligibility, the result of an interim final rule that was published by the agency last year. The USCIS says that the I-9 delay will give it the opportunity for further consideration of the rule. In addition, the agency is reopening the public comment period on the rule for 30 days, until March 4, 2009. More information is available on the [USCIS website](#).

President Obama Signs Pro-Labor Executive Orders

On Friday, President Obama signed a trio of pro-union executive orders impacting federal contractors' labor obligations. The new orders, which will take effect later this year, herald the first wave of labor law changes that employers can expect, and should begin preparing for, in the months to come.

One order specifies that when a federal agency changes service contractors, the new contractor must offer jobs to qualified non-supervisory employees of the contractor's predecessor. No new employees can be hired until the incoming contractor offers a right of first refusal to the existing workforce.

A second order prevents federal contractors from being reimbursed with federal funds for costs associated with influencing workers to oppose or support union organizing. The order lists examples of employer activities undertaken to persuade employees to organize or not for which costs will not be reimbursed, including: preparing and distributing materials; hiring or consulting legal counsel or consultants; holding meetings (including paying the salaries of the attendees at such meetings); and planning or conducting activities by managers, supervisors, or union representatives during work hours.

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The third executive order reverses a Bush-era order that required federal contractors to post a notice (known as the Beck Poster) alerting workers that they have the right not to join a union and to limit financial support of unions. Under the new order, federal contractors will be required to post a workplace notice informing employees of their rights under the National Labor Relations Act, including the right to join a union.

Miller Law Group is the leading woman-owned employment law firm in California, specializing in representing management in all facets of employment litigation and counseling. For more information about these new developments or for general employment advice, please contact Michele Ballard Miller (mbm@millerlawgroup.com), Kerry McInerney Freeman (kmf@millerlawgroup.com), or Carolyn Rashby (cr@millerlawgroup.com), or call 415-464-4300.

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