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NEW I-9 FORM RELEASED: The United States Citizen and Immigration Services (USCIS) Agency has released a revised I-9 form and instruction booklet for employers to use in verifying a new hire’s identification and employment eligibility. You can see the new form at <http://www.uscis.gov/files/form/I-9.pdf> . The form has not changed, but the documents used for verifying work eligibility and identification have changed. Certain documents no longer acceptable have been eliminated from the document list and others added. Remember that I-9 forms must be filled out for each employee within three days of employment and must be retained for three years or one year after termination of employment, whichever time period is longer. Although use of the form is not required until it is formally published in the Federal Register, USCIS recommends employers start using it immediately. After publication, employers will be subject to fines and penalties for not using the form. On a related subject, due to ongoing litigation, the Social Security Administration has announced it will not send out any Social Security number (SSN) mismatch letters this year. Mismatch letters are sent to employers when the submitted SSN for a new employee does not match the submitted name. SHRM recently published an article detailing many ways an employer can verify the authenticity of a social security number. National SHRM members can access the article at: http://www.shrm.org/hrtx/library_published/nonIC/CMS_023520.asp.

SEXUAL ORIENTATION BIAS BILL PASSES: The United States House of Representatives has passed a bill adding sexual orientation to the list of employment discrimination protected classes. Nineteen states and the District of Columbia already prohibit such discrimination. The House bill exempts religious organizations from its coverage. The bill was passed after sponsors dropped language prohibiting discrimination based on transgender status. The Senate will now consider the bill, which President George Bush has said he will veto.

HOUSE EXPANDS WARN ACT: The House also has approved a bill expanding the requirements of the Worker Adjustment Retraining and Notification Act (WARN). WARN requires covered employers to give sixty (60) days notice before defined plant closing and mass layoffs. The new bill would expand the notice period to ninety (90) days when fifty (50) or more full or part-time employees are affected by the employer's actions.

EEOC CHARGE IS CLAIM UNDER INSURANCE POLICY: A federal court has ruled that a discrimination charge filed with the Equal Employment Opportunity Commission is a claim as defined by the involved employer's insurance policy ("a formal administrative proceeding commenced by the filing of a notice of charges"). Thus, the court concluded that an employer who did not notify its insurer of the EEOC claim lost its insurance coverage. If you have employment coverage, and receive a similar charge, check your policy to determine when you have to give your insurer notice of the same.

RECENT JURY VERDICTS: A Seattle jury has awarded \$4.4 million to a woman who claimed she was harassed about her sexual orientation while working at a tire store and was demoted after complaining about it. An Arkansas jury has awarded \$756,000 to two employees of a communications company who alleged the company discriminated against them because they are Jehovah's witnesses. As the Thanksgiving holiday approaches, make sure your company knows how you in HR kept your company from being hit with one of these verdicts. Such competent HR law compliance is a great blessing, merits a feast and deserves lots of thanks. Happy Thanksgiving!

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Legal-mail is a legal and legislative update service sent out about twice a month to various Utah SHRM members and chapters. As a courtesy to SHRM, the Utah law firm of Jones Waldo Holbrook & McDonough P.C. underwrites the costs of the service. If you have any questions or comments, please contact Michael Patrick O'Brien.

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