

# Veritas<sup>TM</sup> Supplement

December 2009

## I-9's

The U.S. Immigration and Customs Enforcement Agency recently announced a planned audit of 1,000 companies whose business has connections to “public safety and national security.” The move is consistent with the Obama administration’s strategy to target and prosecute employers who knowingly violate immigration laws. (Notices of intent to fine employers have more than quadrupled in the past year alone.)

The fines associated with noncompliance can be severe. For example, on November 3, 2009, a South Carolina poultry processing plant agreed to pay \$1.5 million and make hiring process changes as part of a settlement of criminal charges arising out of a raid and audit.

**MOL Tip:** While often seen as a routine piece of paperwork, a properly completed Form I-9 is the employer’s best defense when it comes to immigration enforcement. Employers should implement and consistently follow I-9 policies, train their employees on the policy and proper I-9 practices, and regularly audit their I-9 records.

## GINA

The Genetic Information Nondiscrimination Act took effect on November 21, 2009, but most employers remain unaware of the new law’s requirements. The EEOC’s final rules and regulations are awaiting approval from the White House Office of Management and Budget. The procedures and enforcement provisions of this new law are tied into Title VII of the 1964 Civil Rights Act and track the Americans with Disabilities Act’s medical information provisions. According to the EEOC, GINA represents a “proactive” approach of anticipating and heading off discrimination that could arise with scientific advances in genetics.

## “EEOC is the Law” – Poster Supplement

The EEOC recently issued a revised version of its standard anti-discrimination poster that all covered employers must display. The posting requirement is mandatory, so it is advisable that you update your workplace posters, employee manuals, and internal policies and procedures to include all pertinent information about the new law.

The poster supplement and revised poster may be accessed on the EEOC’s Web site at <http://www.eeoc.gov/employers/poster.cfm>.

Need advice, counsel or guidance with any of your labor and employment issues or concerns?  
We are only a telephone call away.

The Labor and Employment Team  
at May Oberfell Lorber  
Wishes You a Happy Holiday Season  
and a Prosperous New Year.

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