



Dear Clients and Friends,

A look around any office quickly confirms that businesses are flooded with paperwork. And, computers have not seemed to put a dent in the amount of paper that employers deal with.

The Form I-9 is a straightforward document intended to verify that an employee has the legal right to work in the United States. But, practical issues like where to file these forms can make an employer's compliance

easier – or more difficult. Experts agree that these forms are best kept in a dedicated file.

Keeping the forms together also makes it easier to determine which forms need to be retained. Forms must be kept for three (3) years after the date of hire or one (1) year after the employee's termination date – whichever is later.

*Sincerely yours,
Jim Lill, President*

I-9 Employment Verification

The Immigration Reform and Control Act requires that employers verify the employment eligibility and identity of all employees hired to work in the United States. Compliance with this law requires that employers and employees complete the I-9 form.

Every US employer must have a Form I-9 on file for each employee. Only employees who were continuously employed by the same employer before November 7, 1986 are exempt from this requirement. Other exemptions include household workers providing sporadic services, independent contractors and persons providing services for the employer under a contract such as a temporary employment agency.

One of the most common mistakes that employers make regarding Form I-9 is filing! Employers should not file completed I-9s with an employee's human resources or personnel file. While this is not a violation of the law, the government has the right to demand access to I-9 forms. When requested, the documents must be provided within

three (3) days of the official request for inspection. It is much easier to produce these if they are all kept together in one file. This separate file approach recognizes that employers are loath to allow Immigration Officers access to the contents of a personnel file.

Multi-location employers cannot accept photocopies of required documents from employees at remote locations. Employers should review the actual identity documents or use a notary, attorney or other service to do so.

Employers who are new owners of an existing business are not required to complete new I-9s if they are given the existing forms. However, the new employer would then become responsible for any mistakes or omissions in the acquired documents. Therefore, it may be appropriate to request that new forms be completed.

The Form I-9 is due for an update – expected sometime during 2005. The current version of the form is dated 11/21/91.

Ask us about free COBRA and FSA administration!

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