

## HUMAN RESOURCES GUIDE & LABOR LAW

# FRAGOMEN WORLDWIDE

## COVID Related I-9 Accommodations

In March of last year, the Department of Homeland Security (DHS) announced that it would provide flexibility to rules related to Form I-9 compliance. Under the March flexibility rule, an employer would not be required to physically inspect the identity and employment authorization documents of the new employee during workplace closure. Rather, it would be permitted to inspect the copies of these documents remotely (through email, fax, etc.) until the workplace reopened.

Initially, the DHS held firm that “once normal operations resume, **all employees** who were onboarded using remote verification, must report to their employer within **three business days** for in-person verification of identify and employment eligibility documentation for Form I-9...”. This meant any employee who was verified remotely must physically report to their workplace for in-person verification within three business days. This rigid language presented a predicament to employers and employees alike. The employers who had planned on partial/multi-phased reopening would be forced to bring in a large portion of their employees to their workplace, possibly raising safety concerns. Employees who had been

working remotely (some of which had been working hundreds or even thousands of miles away from the workplace) would be required to travel and report to the workplace within 3 days of reopening for the sole purpose of I-9 verification.

In response to the risk and hardship outlined above, the DHS updated its I-9 flexibilities guidance on March 31, 2021. With this update, only the employees who physically report to work at a company location “on any regular, consistent, or predictable basis” require physical inspection of their I-9 documentation. Therefore, any employer who reopens its workplace on or after April 1, 2021 no longer needs to perform a follow-up physical inspection of I-9 documentation until the employee begins to report to the workplace on a regular basis. In addition, this update allows the employers to continue to rely on remote verification for those who are expected to work remotely.

This accommodation related to I-9 compliance is currently set to expire on August 31, 2021.

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YOUR HUMAN RESOURCES SOLUTION

## Lessons Learned from A Year on The Couch

by Kathi Guiney, GPHR, SPHR, SCP,  
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This past year was one of listening. Pivoting. Adapting. Evolving. Even fumbling at times. After all, nobody expected to work from the couch for a year. But we learned lessons that will stick with us long after our backside’s imprint fades from the cushions.

- **Clear communication.** From safety protocols, to collaborations, to simple wellbeing check ins, communication skyrocketed. (How many of us bought a fancy mic or earbuds?) Companies’ revamped relations are connecting employees to business goals more than ever.
- **Successful dress.** While those “Look Your Best on Zoom” tutorials showed success through casual-chic clothes and frontal lighting, comfort isn’t going anywhere, but sloppy is never in. Never!
- **Culture check.** If you weren’t sure of your company’s culture, you are now. Without a water cooler, companies had to create camaraderie opportunities. That meant figuring out company values and how to instill them in employees—and a whole lot of virtual icebreakers. Online scavenger hunt anyone?
- **Office space.** This year proved almost everyone can work remotely. Those worms won’t squash back in the can. We can embrace a hybrid work model of remote flexibility with the standby of an office, which is valuable for collaboration, companionship, and changing out of loungewear.



Who would have thought a year on the couch would result in this unimaginable transformation of our work environment? It’s proof that we can rise to—if not artfully fumble through—whatever challenges come our way!