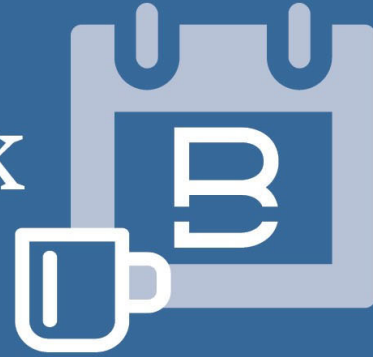


The Work Week

Bassford Remele Employment Practice Group



July 10, 2023

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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The End of Covid-Era I-9 Flexibility

[Madeline M. Gustafson](#)

Covid-era flexibility for verifying an employee's identity and authorization documents remotely will cease on July 31, 2023. To ensure compliance, verify your employee's identity and authorization documents in-person as soon as possible, especially for those employees who started after March 20, 2020.

I-9 verification is the process of verifying employment eligibility for all employees working in the United States. "I-9" refers to Form I-9, a document created by the U.S. Citizenship and Immigration Services for employers to verify that their employees are eligible to work in the United States.

I-9 Forms must be completed for all new hires. The Form requires new hires to provide personal information such as their name, address, date of birth, and Social Security Number (if applicable), and requires new hires to attest to their employment authorization status, indicating whether they are at least one of the following:

- (1) a citizen of the United States
- (2) a noncitizen national of the United States
- (3) a lawful permanent resident (requiring an "alien registration number/UCIS number")
- (4) an alien authorized to work to a certain date

If an individual indicates they are anything other than a citizen of the United States, they must provide: (a) an alien registration number or UCIS number; (b) a Form I-94 number; or (c) a foreign passport number.

Additionally, the Form I-9 requires employers to verify the employee's I-9 information through documentation that both establishes the employee's identity (*e.g.*, a driver's license) and employment authorization (*e.g.*, a social security card). These documents are referred to as an employees' "identity and employment authorization documents."

Prior to Covid-19, these documents were required to be inspected in-person by a new hire's employer. This requirement was temporarily suspended during the pandemic to allow employers to inspect the required documents remotely using a video link, fax, or email, rather than requiring employees to show their documents in-person.

On July 31, 2023, this Covid-era flexibility will end. The return to pre-pandemic ways will require employers to again physically inspect identity and employment authorization documents in-person. In addition, for employees hired on or after March 20, 2020, employers must ensure that they have completed the required physical inspection of their identity and employment eligibility documents by August 30, 2023. Although DHS has published a Notice of Proposed Rulemaking for alternative procedures allowing remote document examination for Form I-9, DHS has not published a Final Rule in the Federal Register to implement this proposal.

As we bid farewell to Covid-19 restrictions and look toward the new legislative changes and recent Supreme Court decisions, it is essential for employers to stay up to date with the latest legal developments. Bassford Remele attorneys provide the latest legal advice to navigate this new frontier of employment law. Should the need arise for legal advice, please do not hesitate to reach out.

The Work Week: Annual Employment Law Seminar (Thursday, July 20)

Please join our Bassford Remele employment team for our inaugural *The Work Week: Annual Employment Law Seminar!*

This year's Minnesota legislative session was the most active in recent memory. We'll begin the Seminar by reviewing the new employment laws that were passed this year, including many that take effect over the course of the next few weeks. Next, we'll examine how the legalization of marijuana will impact the workplace. We'll end the substantive portion of the seminar with a panel discussion on the ethical implications of employment investigations, featuring our special guest panelist, Brittany Skemp, Assistant General Counsel at Essentia Health. Finally, we'll conclude with a social reception to enjoy refreshments and each other's company.

[Register Here](#)

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