



Legislative Update

August 2023



I-9 and E-Verify

The U.S. Citizenship and Immigration Services (USCIS) [announced a new version](#) of Form I-9, Employment Eligibility Verification. Employers must use Form I-9 to verify the identity and employment authorization of their employees.

Now only one page long, the new edition is easier for employers and employees. Other improvements include clearer instructions and providing guidance on acceptable receipts and the auto-extension of some documents found on the [Lists of Acceptable Documents](#). Employers may begin using the new edition beginning Aug. 1, 2023, but may continue to use the 2019 version of the form through Oct. 31, 2023. Beginning Nov. 1, 2023, only the new Form I-9 dated "08/01/2023" may be used. The version date can be found at the lower left corner of the form.

[New Form I-9; Notice Published Allowing E-Verify Employers to Remotely Examine Form I-9 Documents | USCIS](#)



I-9 Relief

The Department of Homeland Security (DHS) has issued an alternative to the physical verification of documents to be completed by August 30.

If you are a "Qualified E-Verify" employer, you can use the alternative procedure to satisfy the required physical examination of an employee's documents if you:

- Were enrolled in E-Verify at the time you performed a remote examination of an employee's Form I-9 documentation for Section 2 or reverification while using the COVID-19 flexibilities;
- Created an E-Verify case for that employee (except for reverification); and
- Performed the remote inspection between March 20, 2020 and July 31, 2023.



Other News

Civil Rights attorney, Kalpana Kotagal has been confirmed as the fifth EEOC commissioner.

The California attorney general is planning a sweep of large employers to determine compliance with the Privacy Act.

The Department of Labor Sets August 2023 as Current Anticipated Release Date for Proposed Overtime Rule. According to the latest report from the U.S Department of Labor (DOL) regarding its regulatory agenda, released this week, the DOL has now set the publication of the new proposed Overtime Rule for August 2023.



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