

LABOR & EMPLOYMENT BULLETIN

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HOW DOES THE SHUTDOWN AFFECT EMPLOYERS?

During the shutdown, employers will not be able to access the federal E-Verify website, which is run by the Department of Homeland Security.

Employers CAN still hire new employees during this time. If you hire any new employees during the shutdown, you should still complete Form I-9 within three business days. For employers who have already enrolled in the Alabama E-Verify Employer Agent Service, you may continue to submit Form I-9 through Alabama's E-Verify Website. For those who have not done so, and use the Federal E-Verify site, the "three-day rule" for filing is suspended during the shutdown. You should hold on to the completed Form I-9 and then submit them once the Department of Homeland Security reopens.

However, employers may not take any adverse action against an employee because of an E-Verify interim case status, including while the employee's case is in an extended interim case status due to a federal government shutdown. (More information on interim case statuses can be found in the E-Verify User Manual).

Other federal agencies, such as the EEOC, Department of Labor, OSHA, MSHA, and the NLRB have also been shut down. Therefore, pending charges and complaints can not be investigated or prosecuted. The NLRB is canceling pending union elections. However, the EEOC is still accepting new EEOC charges. The federal courts have enough funding to operate for ten days. Thereafter, pending employment lawsuits may be delayed.

-- Chris Vinson

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