

## HR Quarterly Update

Spring 2013

### New I-9 Forms Required After May 7,

U.S. Citizenship and Immigration Services (USCIS) will require US employers to use its revised Employment Eligibility Verification Form I-9 beginning on May 7, 2013.

All employers are required to complete a Form I-9 for each employee hired in the United States. The updated form includes new information fields. In addition, the USCIS has stated it also has new formatting to reduce errors and clearer instructions for both employees and employers.

Employers may continue to use previously approved versions until May 7, 2013. After that date, they are required to only use the [Form I-9 with a revision date of. 03/08/13](#). These revision dates are printed on the lower left corner of the form. Employers are not required to complete the new Form I-9 for current employees if they have a properly completed form on file already.



New I-9 forms  
effective 5/7/13

### Poster Updates

#### When is the last time you updated your employment law posters?

With the recent changes in FMLA, new posters are required. Many vendors, like the Michigan Dental Association or the MI Chamber, provide posters and send complimentary updates as needed.

### What's on the Horizon...

**Ban the Box:** Proposed legislation that would ban the criminal felony conviction question on employment applications on a state-wide level.

**Employment Leave Uniformity Act:** Proposed legislation that would block mandated paid sick leave at a state-wide level.

**NLRB 'Recess Appointees':** The battle continues over the legitimacy of President Obama's recess appointees to the NLRB in 2012. This could affect recent NLRB rulings. Stay tuned to see how this plays out...

### Michigan Passes Stricter Controls on Accessing Personal Internet Accounts



Michigan recently passed the Internet Privacy Protection Act (IPPA) which prohibits employers from requesting that an employee or applicant grant access to, allow observation of, or disclose information that allows access to 'personal internet accounts' like Facebook, Twitter, Gmail, etc. IPPA also states that an employer may not discharge, discipline, fail to hire or otherwise penalize an employee or applicant for declining such requests.

While IPPA protects the privacy of login information for personal internet accounts, it does not restrict an employer's ability to view, access, or utilize information about an employee or applicant that is available in the **public** domain or can be obtained without any required access information. However, I caution you against researching an applicant's social media history. The more you know about a person beyond their job qualifications, the more you open yourself up to potential claims of discrimination – especially prior to hire. Did you see pictures of the applicants on Facebook and make judgments about their race, age, sex (or any other protected classification)? Maybe not, but you might have a hard time proving it in a court of law if an unselected applicant cries 'foul!'

IPPA has also not changed an employer's right to restrict or prohibit an employee's access to certain websites while on company time, while using electronic devices paid for by the practice, or while using an employer's network or resources. Employers still retain the right to monitor, review, or access electronic data that is stored on devices the practice paid for. This includes any data that is traveling through or stored on the employer's network.

For more information regarding IPPA and what you can and cannot do as an employer, follow [this link](#).

### Changes to the Family Medical Leave Act Took Effect on March 8th

On Friday March 8, 2013, the latest set of Final Regulations implementing changes to the Family and Medical Leave Act went into effect. The changes were passed by congress in 2010. According to the Wage and Hour Division, the Major Provisions of the new rules are:

- Defining a covered veteran, consistent with statutory limitations, as limited to veterans discharged or released under conditions other than dishonorable five years prior to the date the employee's military caregiver leave begins.
- Creating a flexible definition for serious injury or illness of a covered veteran, that includes four alternatives only one of which must be met.
- Permitting eligible employees to obtain certification of a service member's serious injury or illness (both current service members and veterans) from any health care provider as defined in the FMLA regulations, not only those affiliated with the DOD, VA, or TRICARE networks (as was permitted under the 2009 regulations).
- Extending qualifying exigency leave to eligible employees who are family members of members of the Regular Armed Forces and adding the requirement for all military members to be deployed to a foreign country in order to be on "covered active duty" under the FMLA.
- Increasing the amount of time an employee may take for qualifying exigency leave related to the military member's Rest and Recuperation (R&R) leave from five days to up to 15 days.
- Creating an additional qualifying exigency leave category for parental care leave to provide care necessitated by the covered active duty of the military member for the military member's parent who is incapable of self-care.
- Creating a unique method of calculation of leave for airline flight crew employees, and establishing that FMLA leave for intermittent or reduced schedule leave usage, taken by airline flight crew employees, must be accounted for using an increment no greater than one day.

See Summary of the Major Provisions [here](#).



HR Quarterly Update is brought to you by Jodi Schafer, SPHR, Owner of Human Resource Management Service, LLC (HRMS). HRMS has been providing Human Resource solutions to small business employers since 1995. For a complete listing of services, go to our website: [www.HRMServices.biz](http://www.HRMServices.biz), or contact me at 517-974-8033 or [JodiSchafer@HRMServices.biz](mailto:JodiSchafer@HRMServices.biz).