



Stradley Named "Go-To Law Firm[®]" in Employment Law

Stradley Ronon's Employment Practice Group was named by corporate counsel as a "Go-To Law Firm[®]" for financial services companies.

Stradley Ronon

2005 Market Street
Suite 2600
Philadelphia, PA 19103
215.564.8000 Telephone
215.564.8120 Facsimile
www.stradley.com

With other offices in:
Washington, D.C.
Harrisburg, Pa.
Malvern, Pa.
Cherry Hill, N.J.
Wilmington, Del.
New York, N.Y.



www.meritas.org

Our firm is a member of Meritas — a worldwide business alliance of more than 210 law offices in 70 countries that offers high-quality legal services through a closely integrated group of independent full-service law firms.

Five Traps To Avoid with the New Form I-9

On or before May 7, every employer must begin using the new Form I-9 to verify the identity and employment authorization of each new employee. Although the new Form I-9 includes very few substantive revisions, employers should be mindful of the following procedural traps for the unwary.

Trap #1: Failing to Instruct Employees Consistently

The new Form I-9 adds fields for employees to disclose their phone number, email address and foreign passport number. Although buried in the instructions is a statement that responding to these inquiries is optional and for purposes of ensuring consistency with social security records, employees



understandably may question the purpose of the requests and their optional nature. Employers should develop a consistent message in response. For example, employers may consider proactively explaining to employees that these data fields are optional, particularly given the risk that the government could use the information to contact current and former employees directly during an employer audit.

Trap #2: Implementing for All Employees

While a well-meaning employer may at first think it appropriate to implement the most recent version for even existing employees, such an action may expose the employer to discrimination claims and run afoul of the Form I-9 requirements. Instead, the new Form I-9 only should be used for existing employees who require re-verification, which occurs in **very limited circumstances** such as certain re-hiring situations and upon expiration of employment authorization for non-U.S. citizens.

Trap #3: Completing the Spanish Version

The **Spanish version** of the new Form I-9 is available as a translation guide for Spanish-speaking employees. However, only the English version may be completed and retained by employers not based in Puerto Rico.

Trap #4: Losing Productivity Due to Unfamiliar Forms

The government estimates that the new Form I-9 will take 22 more minutes to complete than the prior version. Personnel responsible for implementation should combat this administrative burden by familiarizing themselves with the new version, including reading the new [Handbook for Employers](#) and revised instructions.

Trap #5: Using the Wrong Form

Prior to formal adoption, draft versions of the revised Form I-9 circulated on the Internet. The

correct form has a date stamp of “03/08/13 N” in the bottom left corner. Electronic Forms I-9 should also be revised for consistency. Personnel should be informed that the new paper Form I-9 contains two pages, as opposed to the prior one-page version.

As with any procedural change, certain complications may arise from implementation of the revised Form I-9. Proactively educating personnel working with such forms and developing consistent messaging should avoid turning a relatively minor form revision into a major administrative nightmare. ■

Stradley Ronon’s Employment & Labor Practice Group

Jonathan F. Bloom, <i>chair</i>	jbloom@stradley.com.....	215.564.8065
Danielle Banks	dbanks@stradley.com	215.564.8116
Michelle Carson	mcarson@stradley.com	215.564.8137
Nicholas Deenis	ndeenis@stradley.com	484.323.1351
Sandra A. Girifalco	sgirifalco@stradley.com	215.564.8064
David J. Karasko	dkarasko@stradley.com	215.564.8542
Joseph T. Kelleher	jkelleher@stradley.com	610.651.2274
Andrew S. Levine	alevine@stradley.com	215.564.8073
Ian M. Long.....	ilong@stradley.com	215.564.8558
William E. Mahoney Jr.	wmahoney@stradley.com	215.564.8059
Francis X. Manning	fmanning@stradley.com	856.321.2403
John J. Murphy III	jmurphy@stradley.com	215.564.8019
Michael D. O’Mara	momara@stradley.com	215.564.8121
Caitlin E. Oberst	coberst@stradley.com	215.564.8151
Edith M. Penn.....	epenn@stradley.com	215.564.8013
James F. Podheiser	jpodheiser@stradley.com	215.564.8111
Ellen Rosen Rogoff	erogoff@stradley.com	215.564.8058
Amy E. Sparrow	asparrow@stradley.com	215.564.8551
A. Nicole Stover	nstover@stradley.com	856.321.2418

Information contained in this publication should not be construed as legal advice or opinion or as a substitute for the advice of counsel. The enclosed materials may have been abridged from other sources. They are provided for educational and informational purposes for the use of clients and others who may be interested in the subject matter.