

## **Immigration Law: Change is Coming**

*Though the topic of immigration reform has cooled off for now, BSCs still need to be sure they are following the law*

By Jim Peduto, Esq., CBSE

The composition of the American work force is changing and, for a multitude of reasons, the changes are magnified in the building service contracting industry. According to the U.S. Bureau of Labor Statistics, the percentage of nonwhite workers continues to increase each year, and cleaning workers are definitely no exception.

The work force's changing demographics have also brought attention to immigration reform. Immigration reform was a major issue during the recent presidential election. Although both presidential candidates supported somewhat similar positions, the economy has taken center stage so we will have to wait at least until later this year to find out what happens in regard to reform.

With the spotlight temporarily off the issue of immigration reform, it is a perfect opportunity for BSCs to ensure that they are fully compliant with current employment laws. Under the Immigration and Nationality Act (INA), employers may only hire workers who can legally work in the United States. Employers are required to complete an I-9 (Employment Eligibility Verification Form) for each employee, and keep that form on file for at least three years, or one year after employment ends, whichever is longer.

The I-9 includes three important sections you and your employees must accurately complete.

**Section 1: Employee Information and Verification.** Employees are responsible for completing this section, which includes name, address, date of birth and Social Security number. You must make sure your employees fill this out accurately and completely, including the employee's signature and date of completion.

**Section 2: Employer Review and Verification.** This section calls for documentation that provides proof of employee identity and employment eligibility. The I-9 includes a list of acceptable documents employees can provide that will satisfy the requirements of this section. You may not tell employees what forms to provide, but you can guide workers by showing them the list of acceptable documents.

You must physically examine the documents provided by employees, but you're not required to know with absolute certainty whether the documents provided are genuine or false. The law does require employers to make a good-faith determination that 1) the documents provided are included in the list of acceptable ones; 2) the documents appear to relate to the employee; and 3) the documents appear to be genuine.

**Section 3: Updating and Verification.** You'll need to complete this section when updating and re-verifying employment authorization for employees whose previous authorization has expired. This section does not apply to employees who are U.S. citizens.

To ensure employees maintain employment eligibility, set up an electronic reminder schedule 90 days before each employee's work authorization expiration date. This will give you and the employee enough time to renew authorization.

For more information about the INA, or to download I-9 forms or guides, please visit the U.S. Citizenship and Immigration Services site at [www.uscis.gov](http://www.uscis.gov). Complying with the INA should be business as usual for all BSCs. So when the time comes for change or reform, you will be ready.

*Jim Peduto is the president of Matrix Integrated Facility Management and the co-founder of the American Institute for Cleaning Sciences, an independent, third-party accreditation organization that establishes standards to improve the professional performance of the cleaning industry.*