

## ESSENTIAL TRAINING SEMINAR

### *Excellence in Employee Relations*

Workers are your most productive asset – without them your organization can't prosper.

- Are your workers being treated fairly?
- Are supervisors using management techniques that will harm your business?
- How can you take your company's labor relations temperature?

Owners and senior managers should attend the "Excellence in Employee Relations" Seminar at any of these dates and times:

#### **Tuesday, Oct. 20:**

SUNNYSIDE - 9:00 am to 11:00 am, Snipes Restaurant  
PASCO - October 20, 1:30 pm to 3:30 pm, Red Lion Hotel

#### **Wednesday, Oct. 21:**

MOSES LAKE - 9:00 am to 11:00 am, Best Western Inn

Presenter: Tim Bernasek, partner, Dunn Carney Allen, Higgins, and Tongue, LLP. Formerly general counsel at Oregon Farm Bureau, Tim's expertise is agricultural labor and employment.

The Administration has made increasing union membership a priority, and there has been an increase in organizing activity at farms and food processing plants. Tim will provide you with a clear understanding of the federal and state laws that impact your ability to communicate to workers.

#### **COST:**

\$50 - for members of Washington Farm Bureau, Washington Potato and Onion Association, Yakima Valley Growers and Shippers, or Washington State Horticultural Association

No Charge - Northwest Dairy Association Members

\$100 - Non members.

Price includes seminar materials and refreshments.

Space is limited! Register Today at [www.wsfb.com](http://www.wsfb.com).

## NEW REVISION DATE TO FORM I-9

The U.S. Citizenship and Immigration Services (USCIS) have updated the revision date to the Form I-9. There were no changes to the content of the form other than the updates made earlier this year in April.

Employers will be able to use either the Form I-9 with the new revision date of 08/07/09 or the 02/02/09 revision date listed at the bottom right corner of the form. Stop using any I-9 that does not have either of these dates listed as the revision date.

The updated version is posted on our website at <http://www.wsfb.com/EmployerResources>. Washington Farm Bureau will be conducting more I-9 training in November. More information will be forthcoming.

## ADDITIONS TO EMAIL LIST

If you like to add additional contacts to receive this newsletter, urgent labor briefs, Essential Training information, and much more, please submit an email to [kbresler@wsfb.com](mailto:kbresler@wsfb.com) with the email address(es).

Editor

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### **CDC PUBLISHES GUIDANCE FOR UPCOMING FLU SEASON**

The Centers for Disease Control (CDC) has published a guidance document recommending actions that employers should take now to help minimize the spread of the flu come this fall. It is expected that both seasonal flu and the H1N1 virus (swine flu) will be circulating in the Northern Hemisphere this fall and winter, and that the impact of the H1N1 virus will be greater than it was this last spring and summer. Actions employers should take include:

- Have an influenza pandemic plan and look for gaps or problems in the plan before you need to put it into play;
- Know what your normal absenteeism rates are so you recognize unusually high rates of absenteeism; Coordinate with state and local health departments to determine communication channels if an outbreak should occur (they will have the latest information on the spread and severity in your area);
- Develop flexible leave policies and share them with employees, as well as how pay and benefits may be affected;
- Share information with other community businesses, leaders, groups, and your Chamber of Commerce; and
- Add a link to your company's web page or on your intranet where employees can find the latest information relative to the influenza and how it is affecting your business.

The latest recommendation by the CDC is that employees who have symptoms should stay home and not return to work until 24 hours after their fever is gone. The CDC recommends that all sick employees should be encouraged to stay home without fear of losing their jobs because of this illness.

This past spring, some parts of the country saw entire schools close to prevent the spread of the H1N1 virus. That could become more widespread this fall, so the CDC is urging businesses to prepare for a large volume of absenteeism due to parents who need to stay home with their children. The CDC also lists detailed components that should be included in an employer's pandemic plan.

To stay updated on the spread of the H1N1 virus, visit [www.flu.gov](http://www.flu.gov).

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### **"NO MATCH SAFE HARBOR RULES" TO BE RESCINDED**

On July 8, the Department of Homeland Security (DHS) announced it would rescind the "No Match Safe Harbor" regulations that were issued in 2007. The rules provided a procedure for employers to follow when receiving a "No-Match" letter from the Social Security Administration.

Shortly after the regulations were issued, labor unions and the ACLU filed a legal challenge. A court order blocked enforcement of the rules, and they have been in limbo ever since. The lawsuit placed the Obama administration in a bind – the administration supports the policy behind the rules, but it does not want to fight with its traditional allies.

According to Department of Homeland Security, when an employer receives a no match letter, the employer has gained "constructive knowledge" that there may be a problem with the worker's employment authorization. DHS expects the employer to take action of some kind, and stated that employers who followed the procedure laid out in the rule would receive a safe harbor from prosecution.

The lack of a regulation does not change the agency position: DHS believes that employers who receive information about the legal status of workers should take reasonable steps to investigate. But the lack of a regulation puts employers in a much better situation. DHS will now be asking courts to enforce a procedure when the agency has tried, and failed, to adopt it. To complicate the agency's woes, the SSA no-match letter advises that the letter, by itself, cannot be used to take action against an employee. The decision by DHS to rescind the No-Match rule is a bright spot for employers in a mostly bleak picture regarding immigration issues. Washington Farm Bureau has put together a suggested model policy for investigating

employees for legal presence posted at <http://www.wsfb.com/EmployerResources>.