



Employers are well-advised to be mindful of the general requirements of electronic I-9 systems. The standards for such systems are set forth in the regulations and are outlined at pages 24-26 of the USCIS Form M-274 *Handbook for Employers* referenced above. Employers may need to consult with counsel or persons knowledgeable about I-9s generally and also software experts to understand and assess if the system meets the regulatory standards.

IV. Read This if You Have Work in Indiana

- Two bills passed by the Indiana legislature this year impact employee eligibility for unemployment compensation.
 - ✓ House Enrolled Act No. 1450 provides that effective July 1, 2011, an individual is not unemployed for any week in which the individual is regularly and customarily employed on an on-call or as needed basis and has remuneration for personal services payable to the individual or work available from the individual's on-call or as needed employer.
 - ✓ Effective October 1, 2011, an individual who accepts a severance package from an employer in connection with a layoff or plant closing will have his or her unemployment benefits reduced or eliminated.
 - ✓ Under Indiana law, an individual is not eligible for unemployment benefits if he or she fails without good cause to accept an offer of suitable work. Senate Enrolled Act No. 86 provides that effective July 1, 2011, an individual is deemed to have refused an offer of suitable work if an offer of work is withdrawn after the individual tests positive for drugs as part of a drug test given on behalf of a prospective employer, or if the individual refuses, without good cause, to submit to a drug test required by a prospective employer.
- Last year, the Indiana General Assembly passed a law that prohibits most employers from adopting a rule or policy prohibiting employees from possessing firearms or ammunition in an employer's parking lot, so long as they are kept in a locked vehicle and out of sight. This year, the Indiana legislature passed, and the Governor signed into law, another bill further restricting employers from regulating the possession of firearms by their employees. Specifically, the new law prohibits employers from requiring their employees or job applicants to divulge information about their ownership, use, **possession or transportation** of firearms or ammunition. The new law also prohibits employers from conditioning employment or any term of employment on employees or applicants giving up any rights they have as gun owners. Like the "bring-your-gun-to-work" law, this law allows a plaintiff to sue for a violation and recover actual damages, court costs, and attorneys' fees, as well as to obtain injunctive relief. The new law differs



from the old one, however, in that it also allows for exemplary or punitive damages when employers knowingly or willfully violate the law.

Because most employers do not typically request information about gun ownership from employees or applicants, this law may have little impact on a significant portion of Indiana employers. It is most likely to be of concern to those employers that adopted comprehensive responses to last year's law. Employers that, for example, required that employees disclose to the employer if they would be carrying a firearm or ammunition in their vehicle or provide copies of a valid Indiana gun license, will need to eliminate those practices under the non-disclosure law. Employers should therefore review their firearm/ammunition policies before July 1, 2011, to ensure that they do not require employees or applicants to disclose this type of information in violation of the new law.