



## Requirements in the Event of Government Inspections of I-9s or Employee Records

Assembly Bill 450 was signed by Governor Jerry Brown as part of California's Sanctuary State designation and became effective on January 1, 2018. Employers should make sure they are familiar with the record keeping and notice requirements as well as penalties associated with AB 450.

### **Required Inspection Notice**

Employers are required to post a notice within 72 hours of receiving a Notice of Inspection so all employees are informed that documents are being reviewed. The Labor Commissioner has developed a [template for this purpose](#).

### **Notice of Record Deficiency**

AB 450 mandates that, should any inspection conducted by federal immigration officials result in a discrepancy of any document, employers will be required to provide to each current affected employee: a copy of the notice of the inspection results, a description of any and all deficiencies or other items identified in the inspection results, the time period for correcting any potential deficiencies identified, the time and date of any meeting with the employer to correct any deficiencies, and notice that the employee has the right to representation during any meeting scheduled with the employer concerning the immigration inspection. We have created an [Immigration Inspection Deficiency Notice](#) for our members to use for this purpose.

### **Be Aware of Costly Fines**

With the above requirements, the US Federal Government has increased federal immigration inspection efforts in California. As such, every public and private employer needs to conduct a thorough audit of their personnel records but in particular their I-9 forms to ensure every employee has an I-9 form and that every I-9 form is completely filled out. An employer who fails to provide the notices required could be subject to penalties under Labor Code section 90.2. These include a civil penalty of two thousand dollars (\$2,000) up to five thousand dollars (\$5,000) for a first violation and five thousand dollars (\$5,000) up to ten thousand dollars (\$10,000) for each subsequent violation.

### **What Do You Need to Do?**

#### ***1. Audit your I9's!***

We can provide you with an on-site audit by one of our HR Advisors to ensure your I-9 forms are compliant with federal law and even help you to fix form deficiencies. Please let us know when you would like to schedule an

I-9 Audit by calling 1-800-399-5331 or email at [ceainfo@employers.org](mailto:ceainfo@employers.org) and we will get you an on-site visit scheduled!

**2. Sign up for CEA updates.**

Log into your member dashboard or call or email us.

**3. Review the Immigration Inspection Deficiency Notice.**

Available on employers.org under “HR Forms – Personnel Records,” review the [notice](#) so you are aware of it in the event you may need it.

**4. Let CEA Handle It.**

Call or email us if you have any HR compliance questions or require training or any other assistance.