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## Are You Using the Correct Form I-9?

All employers should be using the new Form I-9 marked 11/14/16. The new form can be accessed on the U.S. Citizenship and Immigration Services (USCIS) website or in the USource Library under Recruiting. The expiration date on the new form is 08/31/2019.

We have many indications that Immigration and Customs Enforcement audits will increase under the new administration. New rules raise paperwork violations related to I-9 verification from a maximum of \$1,100 to \$2,156. The minimum penalty per violation increases from \$110 to \$216.

This version of the I-9 has been called a "smart I-9" because of the

fillable, interactive PDF option that enables users to fill in the fields of the form online before printing and signing a hard copy. The fillable PDF form limits options for further



responses based on information previously provided, flags errors and fields where information is missing, provides a link to the form instructions, and includes additional instructions for specific fields that are available by hovering over a question-mark icon that appears above a field within the PDF.

*New rules raise paperwork violations related to I-9 verification from a maximum of \$1,100 to \$2,156.*

*New Form I-9 continued*

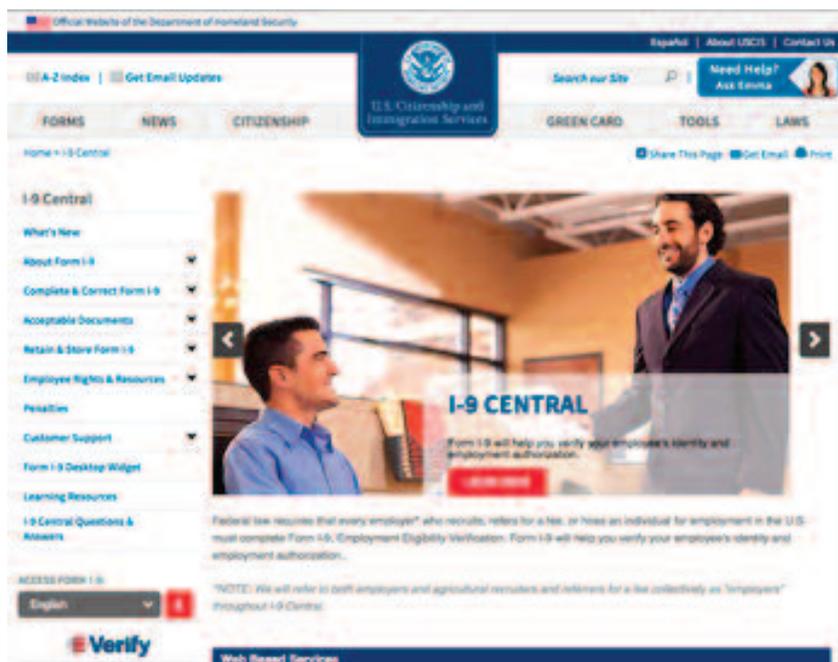
Employers are not required to use the “smart” version of the new form. The smart form can be partially filled out online before being printed, finished and signed or the form can be printed and completed as with a pen.

It is required to provide employees with the instructions for completing the form, either in electronic or paper form. The instructions have more than doubled from six pages to fifteen to provide more guidance for users.

The new form is very similar to the previous form. For example, the acceptable documents list and retention requirements have remained the same, but some individual fields and the instructions have been revised.

One key change is that users must enter N/A in any fields that they previously would have left blank. For example, if there is nothing to enter in the fields asking for a

middle initial, or apartment number or Social Security number, those fields can no longer be left blank. The main benefit of using the smart version of the form is that once the employee and employer are finished entering information and click out of the form, all entries are reviewed for the correct format, including entries in blocks that require an N/A. If errors are found, the form will signal what needs to be fixed.



The employee will now be required to affirmatively check a box indicating that he or she did not use a preparer or translator if that's in fact the case. The representative verifying employment eligibility must be

in the physical presence of the person being verified and must also see the original documents being presented.

Employees hired before January 22nd who used the previous Form I-9 are not required to complete the new version. Updates and reverifications, however, should be completed on a current version of the Form I-9, so it may be necessary to complete these processes on new forms and then attach the new form to the employee's original form.

## *Marijuana at work?*

When state laws contradict federal laws, it is far more difficult for employers to avoid legal land mines.

Pot is still illegal at the federal level. However, 28 states have now passed comprehensive medical marijuana laws,

and eight of them, as well as the District of Columbia, have also legalized recreational use of the drug for adults ages 21 and older. Other states have decided to

decriminalize marijuana—which means that people caught with small amounts of the drug likely won't be prosecuted, particularly for a first offense. Under many state laws, workers can be fired for a positive drug test even if they are permitted to use medicinal marijuana off duty.

Medical marijuana cardholders often believe their company's zero-tolerance policies don't apply to them because they have a "prescription" from a doctor for

marijuana. But in reality, physicians are not allowed to prescribe Schedule I drugs under federal law. Ensure your employees understand the bank's drug and alcohol policies before an issue occurs.

While it may be tempting to ban the use of marijuana during the workday in the same way that we ban the use of alcohol, in states where recreational marijuana

is legal, this gets complicated if using drug screening. Marijuana stays in people's systems longer than alcohol. So employees may test positive for marijuana on Monday even

when they had not used marijuana since Saturday.

If your bank is located in a state that provides employment protections for medical marijuana users, it is still acceptable to ban marijuana use from the workplace. Employees who have challenged these policies via the court system in states which have legalized medical marijuana have lost, usually due to the conflict with federal law.

However, given the confusion of conflicting state and federal laws, you may want to give an employee one more chance before termination if found to be using medical marijuana during the work day.



## *USource Spring Forums*

*USource Forums provide you with a unique opportunity to network with other community bank officers with human resource responsibilities.*



### **Topics:**

#### ***Culture***

A bank's culture is the sum of behaviors, beliefs, values, attitudes, and the way things get done.

Culture is one of the top drivers of employee engagement. Whether or not leaders at your bank have intentionally created a culture, one exists. Those unintentional cultures that are organically grown often have inconsistent policies, practices, and behaviors. Only 31% of employees surveyed rated their organization's corporate culture as healthy.

We will use a culture diagnostic tool to slot your bank into one of four dominant culture types: Competitive, Innovative, Cooperative, or Traditional. Once your bank's dominant culture has been identified, we will discuss ways to better align your bank's policies, practices and programs with your dominant culture.

#### ***Mergers and Acquisitions***

Culture clashes are often cited as the number one reason why mergers and acquisitions are so very challenging. The announcement of an M&A often jars employees from both the acquiring and the acquired banks, often creating fear and even panic as employees try to figure out what it will mean for them. Human Resources should be involved in the M&A when talks begin and throughout the transition in developing a communication plan, driving cultural interaction, and to help coordinate workplace planning issues such as ideal headcount, how to retain key employees, determining termination packages if necessary, and assessing benefits and compensation plans.

#### ***What is on the Horizon?***

While the horizon is cloudy, I will summarize my vision (guess) for several very important employment laws and regulations including The Affordable Care Act, EEO-1 reporting, overtime exemptions, legalization of marijuana, E-Verify, Affirmative Action, minimum wage initiatives, and many more. I am anticipating an interactive discussion focusing on how your bank is dealing with the uncertainties of how and when some of these regulations may be changing. Is your bank taking a "wait and see" approach or are you trying to be proactive?

Go to Events on [UBB.com](http://UBB.com) for more dates, locations, cost and a registration form.

## *What is your employees' favorite benefit?*

As you read the top ten from PayScale's 2016 Compensation Best Practices Report, you will probably think that your bank could never provide such a benefit. But some of the perks in this top 10 list are not all that unusual or that expensive; they have been repackaged to help an organization stand out from other employers to attract potential candidates.



1. Six-month Sabbatical After 3 Years – Dying to take that around the world trip? Work three years, take six months off to explore, relax, and refresh.
2. Second Sundays – One day per month to do as you please.
3. Gym Reimbursement Policy - You get \$200 after 50 Gym

4. 13th Month Pay – An extra month of pay without an extra month of work.
5. Day Off for Your Birthday – What better way to celebrate than a day off.
6. Pet Bereavement – Is your pet like a family member?
7. Lunch from In-House Chef – No time to go out for lunch? Not to worry.
8. Company Closes at 3:15p.m. Fridays All Year Long – Hello weekend!
9. Flight Ticket Allowance – Wheels up!
10. Office Yoga – A little mid-day meditation to focus your brain.

## *USource Compensation Job Reports*

Real-time compensation reports available when you need them rather than having to wait until a report is published or using an old one. You could order a report to determine the competitive market rate in your area:

- When starting the recruiting process for a new position.
- Or to determine target rates for salary grades.

- If an employee is demanding more money or they will leave.
- After an employee resigns because they can earn more money somewhere else.

A compensation report costs \$140. But if you are a USource member, your first report is free in 2017 and subsequent reports are only \$95. Go to the News section of UBB.com for more information and an order form.

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## **webinar**

**March 16th -**

### ***Conflict Resolution Webinar***

The American Management Association reports that managers spend 18-26% of their time resolving conflict, which is a huge investment of time. In more diverse workplaces, we experience differences among employees in terms of generational status, cultural background, race, gender, personality, cognitive styles, and work experiences. These differences can create more conflict in the workplace. We will define conflict, explore the tendency of managers to avoid conflict, and present best practices for constructive conflict resolution. Resolving conflict effectively can increase your bank's productivity

and improve its culture. Invite managers to attend this webinar with you.

### **April 27th - *Discrimination and Retaliation***

The number of discrimination and retaliation complaints filed with the EEOC has risen significantly over the past decade. Unfortunately, employers aren't always clear on what constitutes illegal treatment, so discrimination and retaliation is often unintentional. What's more, protections afforded to employees are always evolving, making it even more difficult for employers to keep up. This webinar will cover what classes are currently protected by federal law, including updates on discrimination based on gender identity and sexual orientation, how to recognize and respond to discrimination, and how to keep retaliation out of your workplace.

*USource Webinars are free for USource members and \$85 for non-members. Go to Events on UBB.com for more information and a link to register. Webinars typically start at 10:00 CST and last about 45 minutes.*

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*HR*Matters Newsletter

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**Route to Human Resource Officer**

*At the bottom of the screen is a time line and large circular button; mouse over to reveal the layout in pages and click on one to jump to that page. Move the mouse back into the issue above to allow the page preview to dissappear. Mouse over the upper right side of your browser window for a control panel; that allow full screen viewing, social sharing, help, audio player, bookmark and zoom.*

