

MODERN MANAGEMENT

ALTERNATIVE ID FOR TRAVEL

Last year, the United States enacted a law governed by the Western Hemisphere Travel Initiative, which made it mandatory for passengers entering the United States to have a valid passport, whether by land, sea, or air. In a panic, millions of citizens began applying for passports or renewing passports, which led to a back-up of paperwork at the Passport Office. The government, in turn, pushed back the requirement until June 1, 2009.

Since then, new methods of identification for travel have been developed. The first is a passport card that uses radio frequency identification technology and is only valid for crossing the border by land or sea (not by air) between the United States, Canada, Mexico, Bermuda and the Caribbean. The second is an Enhanced Driver's License ("EDL"), which fits in your wallet and serves as both a driver's license and proof of citizenship. This also, like the passport card, only works for crossing the border by land or sea, not by air. Not every state has these forms of identification. So, sticking with your trusty passport will always guarantee safe travel.

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WAGE DISCUSSION IS ACCEPTABLE

According to the National Labor Relations Act ("NLRA"), work policies prohibiting employees from speaking about wages or other working conditions are illegal. In a recent case involving a temp agency, the National Labor Relations Board held that the temp agency violated the NLRA by including a confidentiality provision in their employment contract and also by terminating an employee who violated that provision. Employers who have confidentiality language in their employment contracts should routinely have the language reviewed to avoid similar situations.

SAVE THE DATE: MODERN MANAGEMENT BRIEFING SEMINAR

Mark your calendar! The next Lemle & Kelleher *Modern Management Briefing*, a half-day labor and employment law seminar, is scheduled on Thursday, October 2, 2008. Invitation and more information to follow.

BILL SIGNED ALLOWING GUNS IN WORKSITE PARKING LOTS

Louisiana Governor Bobby Jindal signed into law Senate Bill 51 (Act 684), allowing persons who lawfully possess a firearm to transport and store the firearm in a locked, privately-owned vehicle in any parking lot, parking garage, or other designated parking area. This law also prohibits employers from banning employees from possessing a firearm in this manner. However, the employer is allowed to require, through their employee policy manual, that anyone bringing a firearm to the parking garage of a worksite must lock the firearm in their privately-owned motor vehicle and hidden from plain view, or within a locked case or container within the vehicle. Luckily, employers cannot be held liable in a civil action for any damages occurring from a firearm in the workplace because the law does not allow employees to bring the firearm into the workplace. Employers should update their employee policy manual accordingly, as the law becomes effective on August 15, 2008. If you have any questions on this or any other proposed or enacted legislation, please do not hesitate to contact a Lemle attorney.

TWIC DEADLINE DATE DELAYED

The Transportation Worker Identification Credential ("TWIC") has become an area of interest for many mariners in the United States. The TWIC is a tamper-resistant biometric credential administered by the Transportation Security Administration ("TSA") and the United States Coast Guard ("USCG"). This form of identification is crucial to ensure national security in protected areas of United States waters, and was originally set to be enforced in September 2009. However, the Department of Homeland Security ("DHS") has announced a delay in the deadline date, now set to be April 15, 2009. According to USCG guidance, mariners issued a TWIC are those who require unescorted access to secure areas of ports, vessels, and outer continental shelf facilities. It is predicted that over 1 million workers will be required to obtain the TWIC. For more information on TWIC enrollment information please visit <http://twicinformation.tsa.dhs.gov> or contact a Lemle attorney.

MCDONALD'S IN TROUBLE

A McDonald's Corporation franchisee, Mack Associates, in the Reno, Nev. area, was arrested on charges of hiring illegal immigrants with false identities last September. The United States Immigration and Customs Enforcement ("ICE") agents raided the 11 McDonald's restaurants owned by Mack Associates, and arrested 58 illegal immigrants. Mack Associates has plead guilty to the charges and will pay \$1 million in fines. The plea shows that the company hired individuals who they knew were illegally living in the United States, and also supplied the illegal immigrants with names and Social Security numbers belonging to other people. Many believe that this is just the beginning of the government's mass investigation into illegal immigrants and their places of employment. It is estimated that there are at least 12 million illegal immigrants in the United States, working in the restaurant, construction and meatpacking industries. These 12 million are also using false Social Security numbers, names, and documents.

NEW DATE ON I-9 FORM

The United States Citizens and Immigration Services ("USCIS") has instituted a new expiration date of June 30, 2009, on the I-9 Employment Eligibility and Verification Form. Employers should begin using this newly updated form immediately. The Department of Homeland Security ("DHS") has also recently announced a list of higher civil fines to be imposed on employers who violate immigration laws, including the I-9 form requirement. More than one fine may be imposed on one I-9 form. First offenses will be fined from \$375 to \$3,200, while three-time offenders could be fined \$11,000 to \$16,000 for each illegal immigrant. Please visit <http://www.uscis.gov/i-9> to download the new I-9 form.

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About Lemle & Kelleher, L.L.P.

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