

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
STATE PERSONNEL MANAGEMENT MANUAL**

Advisory Memorandum #09-01

1000 Recruitment and 1800 Appointments

March 13, 2009

T0: Department and Agency Personnel, Human Resources, and Affirmative
Action Offices

FROM: Judith I. Ratner, Counsel

SUBJECT: Employment Eligibility Verification Form (Form I-9)

This Advisory Memorandum updates State Personnel Management Manual Advisory Memorandum #07-03, dated November 30, 2007, located in Sections 1000 and 1800. Note on both copies of the 2005 Memo that this Advisory Memorandum should be consulted.

The United States Department of Citizenship and Immigration Services (USCIS) has delayed implementation of the newest version of Employment Eligibility Verification Form I-9 until April 3, 2009. Appointing authorities are prohibited from using the new Form I-9 before that date. Use of the new Form I-9 before this date could expose an employer to monetary penalties. Employers should continue to use the current version of Form I-9 (with revision date of 6/5/07) until April 3, 2009.

Starting April 3, 2009, employers are required to use the new Form I-9 and can no longer use any prior versions of Form I-9. In addition to other changes listed on the new Form I-9, employers will no longer be able to accept expired documents to verify employment authorization on the form.

Current employees will not have to re-verify their employment eligibility using new Form I-9 unless their current work authorization expires on or after April 3, 2009.

The USCIS may continue to update and revise the new Form I-9 implementation timetable and guidelines. Copies of the current and post-April 3, 2009 versions of Form I-9 (including instructions) are available for download on the USCIS Web site at www.uscis.gov. Check this Web site regularly for the latest official information and guidance.