

How is the Government Shutdown Affecting Employers?

By: Lee Geiger on January 10, 2019 on graydon.law

The government shutdown is entering yet another week with no end in sight. About 800,000 federal employees have been furloughed or are working without pay. (For those wondering, private employers do not have the luxury of having people to work without pay when finances are tight. That's a perfect example of our government using the "Do as I say, not as I do" philosophy.) Here is a list of just some of the ways that the shutdown is impacting employers:

- **E-Verify** - Shut down. Employers are not able to use this service to verify an employee's eligibility to work in the US. Employers should continue to verify eligibility through use of the I-9 forms. The "three-day-rule" for creating E-Verify cases is suspected during the shutdown due to the unavailability of E-Verify. Federal contractors with the Federal Acquisition Regulation (FAR) E-Verify clause in their contract should contact their contracting officer to inquire about extending federal contractor deadlines.
- **EEOC** - Essentially shut down. A skeleton crew of 103 employees across the country is in place to receive charges, but otherwise all cases are on hold.
- **Federal Courts** - Courts are open for now, but cases involving the Federal Government as a party are stayed.
- **Department of Labor** - Open and fully staffed.
- **NLRB** - Open and fully staffed.
- **OSHA** - Open and fully staffed.
- **State courts and agencies in Ohio, Kentucky & Indiana (including the Ohio Civil Rights Commission and Kentucky Labor Cabinet)** - Open and handling cases on regular schedule.

If you're wondering why the DOL, NLRB and OSHA are open, it's because a September 2018 "minibus" funding bill funded those agencies through October 1, 2019. Ideally, our government leaders will find a solution to get the government running again. In the interim, feel free to reach out with any questions.