



*This article presents general guidelines for Georgia nonprofit organizations as of the date written, and should be not be construed as legal advice. Always consult an attorney to address your particular situation.*

## **Continuing Government Shutdown Impacts Employers (Including Nonprofits)**

The government shutdown has impacted some government agencies and services that are typically used by or interact with nonprofit employers. The purpose of this article is to inform you of the current situation involving various federal agencies with which you may have contact.

**E-Verify:** E-verify is the on-line service provided by the Department of Homeland Security to verify the eligibility to work of employees. Georgia employers who have 11 or more employees are required to use e-verify to confirm employment status. Please be aware that, although e-verify cannot be accessed, if an employer's is required to use e-verify to verify employment eligibility that obligation remains in effect during the government shutdown. Employers must still complete Form I-9 no later than the third business day after an employee starts work for pay. Employers should also keep track of all new hires during the suspension and add these cases to E-Verify once the system resumes. Employers should not take adverse action against employees who are in an interim case status due to the suspension of E-Verify. During the shutdown, employers should also continue to comply with all other Form I-9 requirements.

**EEOC:** The Equal Employment Opportunity Commission is still receiving discrimination charges during the government shutdown but is not conducting investigations, or addressing any existing cases.

**IRS/Employment Taxes:** Despite the government shutdown, employers are still required to withhold and pay employment taxes, and to provide W-2s to employees and 1099s to contractors in a timely manner. Please do not wait for the government shutdown to end to pay your taxes or to distribute appropriate information. Please also be aware that, unfortunately, most, if not all, of the IRS customer services lines are down during the shutdown.

Please be aware the Department of Labor, the National Labor Relations Board ("NLRB") and the Occupational Safety and Health Administration ("OSHA") are all continuing to operate during the government shutdown due to a September 2018 funding bill that continues to fund these agencies until October 1, 2019.

If you have questions about the government shutdown or the impact of the closures that have occurred, please contact your PBPA attorney.

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