

# Navigating HR Compliance Amid Regulatory Shifts

In the ever-evolving landscape of HR compliance, staying informed and adaptable is crucial, especially during periods of significant political and regulatory changes. This session will dive into the complexities and challenges HR professionals face focusing on the impact of executive orders and other regulatory shifts.

**WIPFLI**

# Presenter



**Amanda Erickson**

Manager, Talent Management

*amanda.erickson@wipfli.com*

# Learning objectives

- 1** Identify the executive orders issued by the current administration and their impact on HR policies and practices.
- 2** Review proactive compliance strategies to navigate the uncertainties and ensure adherence to new regulations.
- 3** Discuss potential future regulatory changes and their implications for HR compliance.



# **Understanding the Executive Orders**

# 1

## Ending Illegal Discrimination and Restoring Merit-Based Opportunity

### Federal Contractors

Requires federal agencies to include specific terms in their contracts or grant awards that require contracting parties or grant recipients to comply with all applicable federal anti-discrimination laws and certify that they do not operate any illegal DEI programs.

### Private Sector

Encourages the Private Sector to end 'Illegal' DEI discrimination and preferences.

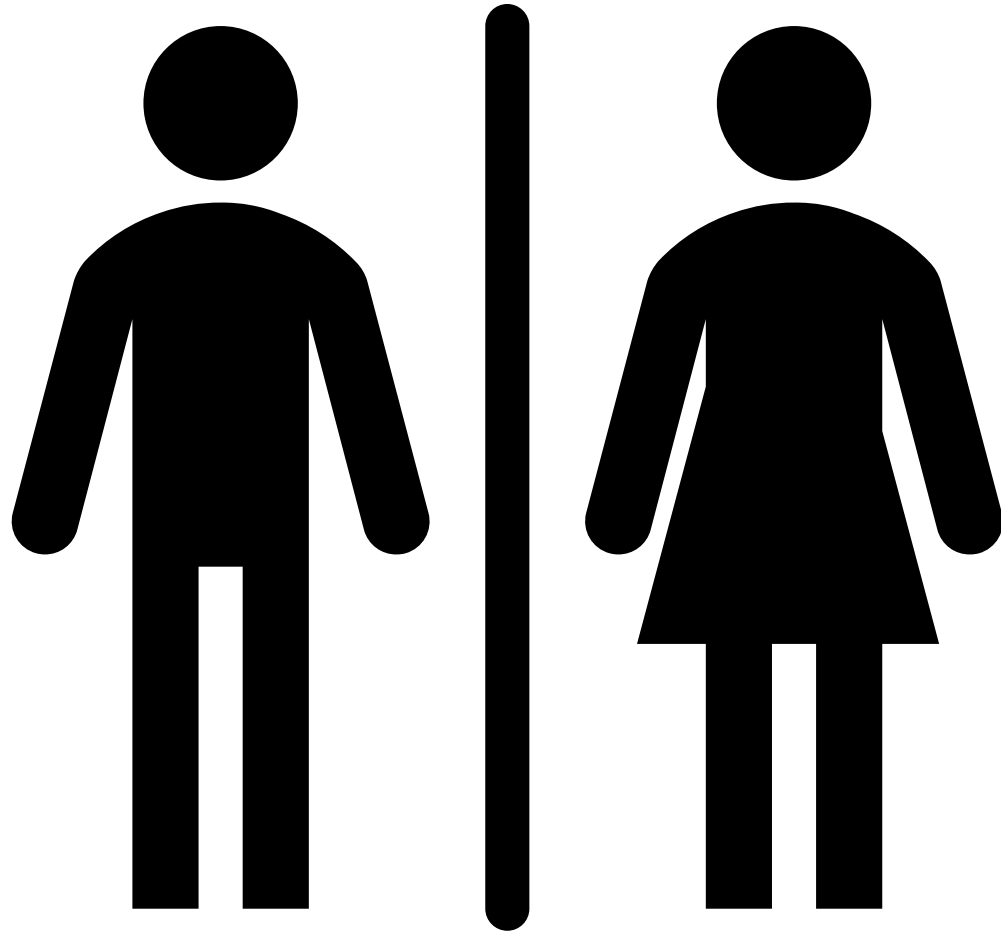
### Employment Impact

- Employment practices
- DEI initiatives
- Policies and procedures
- Commitment to Equal Employment Opportunity (EEO) and non-discrimination

# 2

## Gender Ideology

The EO states 'Gender Ideology' replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity.



# 3

## Immigration

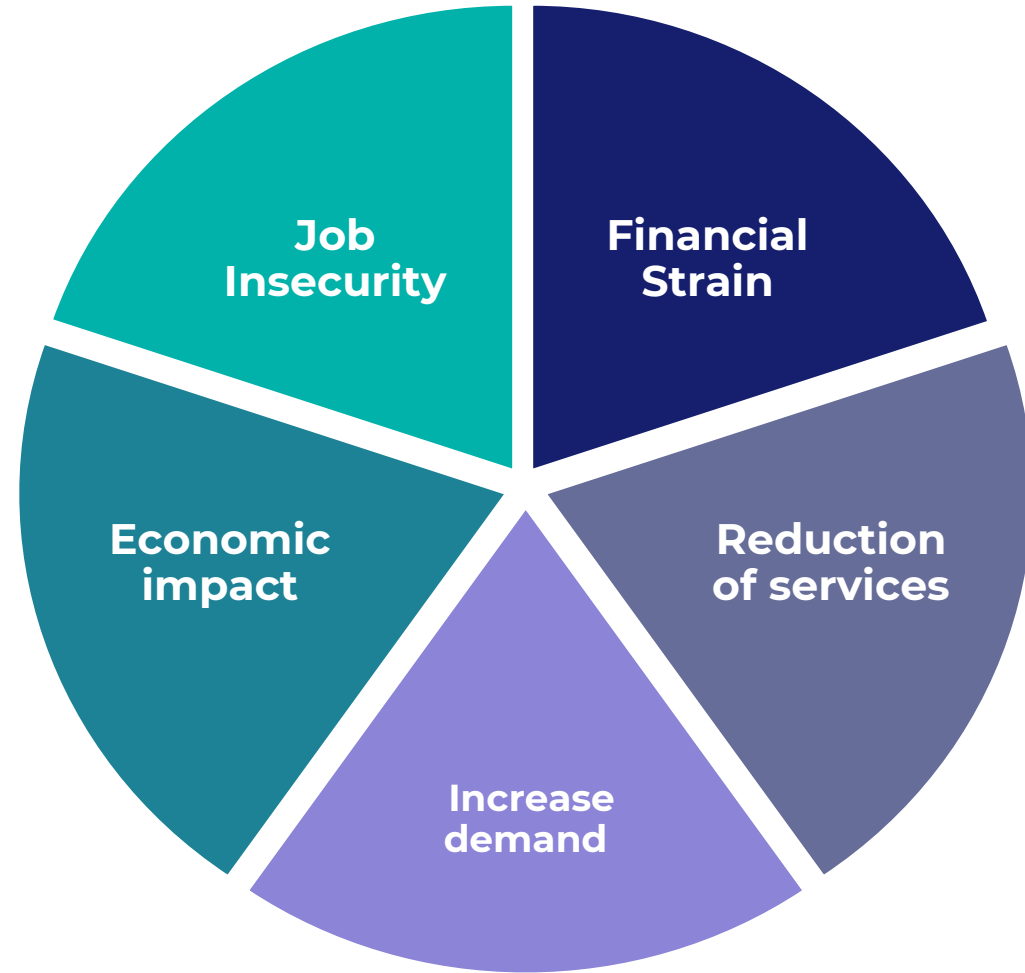
President Trump issued a series of EOs that imposed significant reforms to the immigration system, many of which will have an impact employment.

1. Executive Order Protecting the Meaning and Value of American Citizenship
2. America First Policy Directive to The Secretary of State
3. Protecting the American People Against Invasion

# 4

## Federal Funding

Some EOs have led to a pause or re-evaluation of federal funding for programs and activities, potentially impacting nonprofits that rely on government grants and contracts.





**Action Plan**

# Proactive Approach



## **Conduct a full review of workplace policies**

- Review job descriptions and hiring/employment practices
- Assess workplace policies and programs



## **Reevaluate DEI programs**

- Monitor new legal developments and conduct regular assessments of DEI programs
- Employers may need to consider reframing DEI programs or Employee Resource Groups (ERGs should be open to all employees)



## **Prepare for increased compliance audits**

- Conduct internal audits in preparation for increased audits/raids
- Provide training for staff on I-9 completion and document verification



## **Prepare for potential federal investigations**

- Ensure all employment decisions are based on objective, job-related criteria to avoid potential legal challenges.
- Keep detailed records of hiring, promotions, and DEI program participation to demonstrate compliance with existing labor laws.

# I-9 Compliance

EMPLOYEE

**Section 1. Employee Information and Attestation:** Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name)		First Name (Given Name)		Middle Initial (if any)	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number (if any)	City or Town		State
Date of Birth (mm/dd/yyyy)		U.S. Social Security Number		Employee's Email Address		Employee's Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):

1. A citizen of the United States
2. A noncitizen national of the United States (See Instructions.)
3. A lawful permanent resident (Enter USCIS or A-Number.)
4. A noncitizen (other than **Item Numbers 2.** and **3.** above) authorized to work until (exp. date, if any)

If you check **Item Number 4.**, enter one of these:

USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance
----------------	----	----------------------------	----	---

Signature of Employee \_\_\_\_\_ Today's Date (mm/dd/yyyy) \_\_\_\_\_

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the [Preparer and/or Translator Certification](#) on Page 3.

**Section 2. Employer Review and Verification:** Employers or their authorized representative must complete and sign **Section 2** within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see Instructions.

EMPLOYER

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					

Additional Information

Check here if you used an alternative procedure authorized by DHS to examine documents.

**Certification:** I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

First Day of Employment (mm/dd/yyyy): \_\_\_\_\_

Last Name, First Name and Title of Employer or Authorized Representative		Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)
Employer's Business or Organization Name			Employer's Business or Organization Address, City or Town, State, ZIP Code	

# I-9 Compliance

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-766)</li> <li>5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole:               <ol style="list-style-type: none"> <li>a. Foreign passport; and</li> <li>b. Form I-94 or Form I-94A that has the following:                   <ol style="list-style-type: none"> <li>(1) The same name as the passport; and</li> <li>(2) An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</li> </ol> </li> </ol> </li> <li>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</li> </ol>		<ol style="list-style-type: none"> <li>1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</li> <li>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> </ol> <p style="text-align: center;"><b>For persons under age 18 who are unable to present a document listed above:</b></p> <ol style="list-style-type: none"> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>		<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, unless the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</li> <li>3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (Form I-197)</li> <li>6. Identification Card for Use of Resident Citizen in the United States (Form I-179)</li> <li>7. Employment authorization document issued by the Department of Homeland Security               <p>For examples, see <a href="#">Section 7</a> and <a href="#">Section 13</a> of the M-274 on <a href="https://uscis.gov/i-9-central">uscis.gov/i-9-central</a>.</p> <p>The Form I-766, Employment Authorization Document, is a List A, <b>Item Number 4</b>, document, not a List C document.</p> </li> </ol>
<p><b>Acceptable Receipts</b></p> <p>May be presented in lieu of a document listed above for a temporary period.</p> <p>For receipt validity dates, see the M-274.</p>				
<ul style="list-style-type: none"> <li>• Receipt for a replacement of a lost, stolen, or damaged List A document.</li> <li>• Form I-94 issued to a lawful permanent resident that contains an I-551 stamp and a photograph of the individual.</li> <li>• Form I-94 with "RE" notation or refugee stamp issued to a refugee.</li> </ul>	OR	<ul style="list-style-type: none"> <li>• Receipt for a replacement of a lost, stolen, or damaged List B document.</li> </ul>		<ul style="list-style-type: none"> <li>• Receipt for a replacement of a lost, stolen, or damaged List C document.</li> </ul>

# Managing Employee Concerns

01

Open communication

Establish clear and open communication channels

---

02

Gain employee feedback

Actively seeking and addressing employee feedback can help identify and resolve issues before they escalate.

---

03

Offer support systems

Providing support systems such as employee assistance programs (EAPs) and mental health resources can help employees cope with stress and maintain their well-being

# Leveraging Technology for Compliance

## Compliance Monitoring

Implementing systems to monitor and report compliance activities involves setting up tools that can track compliance-related data in real-time.

## Reporting

Reporting tools can automatically generate reports, flag potential issues, and provide insights into compliance status.

## Use of AI and Automation

Using machine learning algorithms to analyze historical data, identify trends, and predict potential compliance issues.

## Tools

Various tools such as HRIS systems, compliance risk assessments, HR compliance centers, or smart I-9 verification can make compliance easier.

# Funding Uncertainty

HR Responsibility	
<b>Transparency</b>	Communicate changes to employees in a <b>timely</b> manner, providing <b>transparency</b> and addressing concerns.
<b>Long-term planning</b>	Assist in <b>positioning the organization</b> to achieve strategic alignment, workforce planning, employee development, and performance management as there are shifts in regulations.
<b>Budget optimization &amp; resource allocation</b>	Proactively review and revise HR budgets and work with leaders to identify <b>cost-saving measures</b> and areas for <b>reallocation of resources</b> .
<b>Warn Act</b>	If layoffs or closures are anticipated, HR needs to be aware of and comply with the Worker Adjustment and Retraining Notification (WARN) Act, which requires employers to provide <b>60 days' notice</b> to employees and relevant government agencies.
<b>Layoffs vs. Furlough</b>	Layoffs are a <b>permanent</b> or indefinite termination of employment.  Furloughs are <b>temporary</b> unpaid leaves where employees remain on the company's roster. Furloughed employees may retain benefits like health insurance and may qualify for unemployment benefits in some states.



**Future State**



## Navigating what's to come..

### DEI:

- Employers could see further rollbacks on DEI programs.
- Potential bans on DEI metrics or initiatives (e.g. hiring goals, pay equity, bias/inclusion training)
- DEI shouldn't disappear; it should evolve.

### Immigration:

- Stricter eligibility criteria
- Impact on visa holders
- Employer-sponsored permanent residence applications may become more difficult

## Recap

### **Proactive preparation**

HR must try to anticipate regulatory changes to remain compliant and effective.

### **Stay informed - remain adaptable**

Continuous education and updates on regulations help HR adapt strategies promptly. Develop flexible HR policies allows for quick adjustments to changes in regulations.

### **Engage with legal counsel**

Consulting with legal experts can clarify on compliance concerns and minimize risk.

**Thank you for attending this presentation.**

**Amanda Erickson**

Manager, Talent Management  
amanda.erickson@wipfli.com

**wipfli.com**

© 2025 Wipfli LLP. All Rights reserved. "Wipfli" refers to Wipfli LLP.