

MBIA Member Questions Answered:

Can I be fined for not having I-9 forms on file?

YES! Failing to produce a Form I-9 for every employee can range from \$110 to \$1,100 PER violation. Employers MUST have all employees fill out a I-9 for all employees before the end of the first day of employment, after the job has been accepted. Employers must obtain accompanying documentation as proof of identity before the third day of employment ends. The purpose and use of the form is to be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The employer will keep this form in employee files and make it available for inspection by authorized officials of the Dept. of Homeland Security, Dept. of Labor and Office of Special Counsel for Immigration-Related Unfair Employment Practices. The U.S. Immigration and Customs Enforcement (ICE) and other agencies above can audit your employee records at any time and if you are in violation of any of these procedures, they can assess and fine your business. Knowingly hiring a non-citizen can range from \$375 to \$16,000 per violation. In determining penalty amounts, ICE considers five factors: the size of the business, good faith effort to comply, seriousness of violation, whether the violation involved unauthorized workers, and history of previous violations. Form I-9 inspection overview, can be found here: <http://www.ice.gov/news/library/factsheets/i9-inspection.htm>. All instructions for submitting I-9 forms can be found here: <http://www.uscis.gov/files/form/i-9.pdf>. MBIA will soon post a list of all forms needed for new employees on MBIA.org. However, this list may not be comprehensive for your business, always consult your attorney, CPA and insurance agent for additional procedures.

Is water bottling in Michigan affecting our lake levels?

Muchmore Harrington Smalley & Associates assured MBIA that water bottling companies pull from springs around Lake Michigan (and other areas) which would not affect the water levels and that they are indeed paying for this water, through community well systems. In many cases these companies are supporting entire communities with this business, not to mention providing jobs and a tax base. Nestle has been in place in Evart for many, many years and has abided by all regulations and have also worked to help improve the area. There has been no documented environmental damage from water bottling in Michigan. There are several water bottling companies in Michigan who do the same thing and the reality is all of them combined are pulling a fraction of the water the potato farmers are pulling each year for crops and how much the gravel companies use for stone washing purposes. So it is MHSA's opinion that our industry should not be concerned with the bottling companies.

Are there any laws that allow Marinas to stop boaters from fueling while in their slips?

The Department of Licensing and Regulatory Affairs, says there is no law that prohibits fueling outside of designated areas, just that fueling cannot occur while a vessel is tied to another vessel, or if it is near a building. However, if the marina has a Spill Prevention Control and Countermeasure Plan that outlines where fueling will occur (required by facilities with fuel/oil storage tanks above a certain size), then boaters have to adhere to that plan and it is marina personnel who must enforce the plan. This falls under the Oil Pollution Prevention Regulation part 112, which requires a plan that "details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge."

Check your local ordinances for more localized regulation. For instance the Harrison Township Fire Department requires that all fueling be performed at the gas dock.

Is it illegal to charge slip renters for their electrical use?

It was illegal to charge for electrical usage but not anymore – as long as you are not making a profit. Earlier this year, MBIA was alerted that marinas were being discussed while Consumers Energy was developing a program for campgrounds. That new marina/campground program has been in effect since May 30, 2013. There are no forms to fill out or steps needed to start the process. With this new rule now in place, campgrounds and marinas serviced by Consumers Energy are now in compliance if they charge for electricity from a meter. The rate program is based on a Tariff for seasonal slip renters. Transient electrical fees can be a flat rate and do not need to be audited. Your audit parameters are to certify you are not selling the electricity at a profit. You do not need to submit your audit. It must only be available upon request. It is important to note that if you have a conversation with Consumer's Energy, you are not applying to be a reseller. MBIA members are strongly encouraged to read the following from the Consumers Energy Rate Book for Electric Service, Sheet No. C-24.00. The items highlighted in yellow pertain specifically to campgrounds and marinas.

Schedule a free consultative visit for small business http://www.michigan.gov/lara/0,4601,7-154-61256_11407_15317-277525--,00.html