EMPLOYMENT ELIGIBILITY VERIFICATION PROCEDURES

Effective July 2011

PROCEDURES

1. Employment Eligibility Verification Roles
   - **Unit I-9 Manager**: A Unit I-9 Manager is a University of Illinois employee who has been authorized to complete the Form I-9 as an employer representative for the University. Such authorization is obtained by designated employees upon satisfactory completion of the University's prescribed training. Once authorized, the employee may use the title "Unit I-9 Manager" when completing Form I-9 responsibilities. The campus/central HR office can assist a hiring unit that is seeking authorization for one of its employees. The University maintains a list of Unit I-9 Managers.
   - **E-Verify Manager**: An E-Verify Manager is a Unit I-9 Manager who has been authorized by the University to process E-Verify queries. Such authorization is obtained upon designation of access to the E-Verify system and successful completion of the federally mandated E-Verify tutorial. Once authorized, these individuals may use the title "E-Verify Manager" when completing Form I-9 and E-Verify responsibilities. This role is currently limited to only Unit I-9 Managers in the campus/central HR offices. University Human Resources maintains a list of E-Verify Managers.

2. Form I-9 Section 1 – Employee Information and Verification
   After employment has been offered and accepted, the employee must complete and sign Section 1 on or before the close of business of his/her first day of work for pay.
   - It is voluntary for the employee to provide a Social Security number in Section 1, except for employees required to be E-Verified.
   - The Unit I-9 Manager must ensure that the employee fully and properly completes Section 1.

   If applicable, see also Procedure 7, When Appointment Begins on a Weekend or Holiday, and Procedure 10c, E-Verify: Special Considerations for Completing Form I-9 regarding the SSN requirement only for employees who must be E-Verified.

3. Form I-9 Section 2 – Employer Review and Verification
   The Unit I-9 Manager must review the employee’s original, unexpired documents and complete and sign Section 2 within 3 business days of the employee’s first day of work for pay (i.e. work begins Monday, Section 2 must be completed no later than Thursday). If employment is for less than three days, Section 2 must be completed by the close of business on the first day of work for pay.
   - The Date of Hire indicated in this section (i.e. “employee began employment on ______”) is the date that the employee actually begins work for pay.
   - The employee may either present one document from List A, OR a combination of one document from List B and one document from List C.
• The Unit I-9 Manager must certify that the employee’s original documents of identity and employment eligibility reasonably appear on their face to be genuine and relate to the employee.
• Note that you may accept Employment Authorization Documents (Forms I-766) and Permanent Resident Cards (Forms I-551) that appear to be expired on their face, but have been extended by USCIS. Some documents, such as birth certificates and Social Security cards, do not contain an expiration date and should be treated as unexpired. (See USCIS M-274 I-9 Handbook revised 1/5/2011 at page 39 for more details.)

If applicable, see Procedure 10c, E-Verify: Special Considerations for Completing Form I-9.

4. Form I-9 Section 3 – Reverification, Including Name Change
The Unit I-9 Manager completes Section 3 when it is necessary to update or re-verify an employee’s work authorization. Reverification must be completed prior to the expiration of an employee’s current work authorization. Section 3 must also be completed when an employee has a name change.
• When completed electronically, use the reverification functionality in the electronic I-9 system.
• In the event that it is necessary to complete a reverification on paper:
  o For a work authorization update, write “REVERIFICATION” across the top left of a blank Form I-9 and enter the employee’s name only in Section 1. Complete Section 3 of the form. Section 2 remains blank.
  o In the case of an employee name change only, write “NAME CHANGE” across the top left of the new form and enter the employee’s former name only in Section 1. Enter the employee’s new name only in Section 3; sign and date Section 3. Section 2 remains blank.

If applicable, see Procedure 10c, E-Verify: Special Considerations for Completing Form I-9 regarding an individual can be reverified on Form I-9 multiple times as needed, but may be E-Verified only once.

5. Do Not Retain Copies of Documentation, Except in Very Limited E-Verify Related Cases
Unit I-9 Managers must not retain copies, whether in paper or electronic format, of employees’ original documents presented for employment verification purposes in completing Form I-9. Copies of employee documents must not be stored with the Form I-9.

Employing units who copy documentation for other legitimate employment purposes unrelated to the Form I-9 must store those copies in a secure location separate from the Form I-9.

There is an important exception to this procedure when certain documents are presented by an employee who must be E-Verified. If applicable, see Procedure 10c, E-Verify: Special Considerations for Completing Form I-9, regarding any Employment Authorization Document (Form I-766), Permanent Resident Card (Form I-551), or U.S. passport/U.S. passport card. If and only if these documents are presented by an employee who must be e-Verified, then these documents only must be copied and maintained with the completed Form I-9 (i.e., uploaded to the electronic I-9 system).

6. Completing the Form I-9 Prior to 1st Day of Employment
The Form I-9 process (including E-Verify by the central HR office, if required) may be conducted prior to the employee’s first day of work for pay, as long as the employee has accepted an offer of employment.
• The Hire Date entered in Section 2 of the Form I-9 may be a future date, as long as it accurately indicates the date the employee will begin work for pay.
• If the employee’s actual start date is different than the date originally entered in the Form I-9, then the Form I-9 must be corrected to reflect the actual first date of work for pay.

7. **When Appointment Begins on a Weekend or Holiday**

In the event that an employee’s appointment will begin on a weekend or holiday, every effort should be made to complete the Form I-9 prior to his or her first day of work for pay (as long as it is after the employee has accepted the job offer). When completing the Form I-9 in advance is not practicable, a consistent procedure should be adhered to for employees who meet all of the following criteria:

- Appointment and first day of work for pay begin on a Saturday, Sunday, or Holiday; and
- No administrative personnel are present on the employee’s first day of work for pay; and
- The employee does not have Internet access to complete Section 1 online prior to his/her first day of work for pay.

In these instances, Section 1 may be signed and dated on the first business day after the employee’s first day of work for pay. The Section 2 Hire Date must always reflect the actual date the employee began work for pay. The University’s hiring representative must review the employee’s original documents and complete and sign Section 2 by the end of the third business day.

Just as every effort should be made to complete the Form I-9 prior to an employee’s first day of work for pay when that first day occurs on a weekend or holiday, every effort should also be made to complete Section 2 of Form I-9 in such cases as close in time as possible to completion of Section 1.

**Example – When Employment Begins on a Weekend or Holiday and I-9 Completion in Advance Is Not Possible:**

Jill’s appointment begins on August 16, which falls on a Sunday. Jill will begin working on Sunday, but her department’s representative, Kris, does not work on Sunday and is not available until Monday morning. In addition, Jill does not have access to a computer in order to complete Section 1 online.

- Sunday, August 16 – Jill’s appointment begin date and first day of work for pay.
- Monday, August 17 – Jill must complete Form I-9 Section 1 by close of business.
- No later than Thursday, August 20 – Kris must review Jill’s original documents and complete Form I-9 Section 2 by close of business. Kris will write “8/16/20XX” in the Section 2 Hire Date field.

8. **Rehires/Reemployment**

A “rehire,” or someone who is “reemployed,” is an individual who previously worked for the University of Illinois and who separated (i.e., resignation, termination) with a break in employment, and who is subsequently hired again. The University of Illinois will complete a new Form I-9 for ALL new hires. This includes completing a new Form I-9 for those hires who have worked at the University at any previous time, regardless of the length of break in employment. An employee who is on leave, but has a reasonable expectation of continued employment is not considered a rehire upon return.

9. **Remote Hires**

Employees may be hired who work at an offsite location and cannot come to a University campus to complete the Form I-9. A designated agent acting on behalf of the University may complete the employer portion of the I-9 as noted in the University’s remote hire process at [https://hr.uillinois.edu/PolicyCompliance/Toolkit/GuidanceRes/RemoteI9.cfm](https://hr.uillinois.edu/PolicyCompliance/Toolkit/GuidanceRes/RemoteI9.cfm).
The designated agent may be a personnel officer, such as an HR representative at the employee’s previous place of employment or at another college/university, or a notary public. An attorney or accountant may also provide this service; however, any cost incurred is at the employee’s own expense. The designated agent should be chosen carefully because the University of Illinois will be held responsible for his/her actions.

10. E-Verify
E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. E-Verify enrollment was completed at the University level. Colleges, departments, and units are not authorized to enroll; and therefore, MUST NOT enroll in E-Verify. All submissions to the E-Verify system will be handled by the campus or central HR office.

a. The University of Illinois is an E-Verify Employer
As an institution of higher education with qualifying federal contracts and/or subcontracts that include the E-Verify clause, certain University employees must be E-Verified by the campus HR office. These employees include:

- Existing University employees who begin working on, or who are transferred to work on, a qualifying federal contract that contains the E-Verify clause. These employees must be E-Verified within 30 calendar days of beginning work on the contract.
- Newly hired employees who are hired to work on a qualifying contract that contains the E-Verify clause. Such new hires must be E-Verified within 3 business days of beginning employment.
- If you are not certain whether an employee needs to be E-Verified, contact your campus Human Resources office (or Employee Relations and Human Resources for University Administration) as soon as possible.
- F-1 visa students who have completed a science, technology, engineering, or mathematics (STEM) degree with a degree code that is on the current STEM Designated Degree Program List may be eligible for an Optional Practical Training (OPT) extension at the campuses enrolled in E-Verify. Eligible students should contact their campus International Student and Scholar Services office for the appropriate E-Verify ID number to use when filing Form I-765, Application for Employment Authorization.

b. Safeguarding E-Verify Passwords
For security purposes, it is essential that authorized users of the E-Verify system (E-Verify Managers) safeguard their E-Verify User ID and Password. Sharing E-Verify passwords and/or use of E-Verify by an unauthorized person is in violation of state and federal law. Currently, only designated central HR office representatives are authorized users of E-Verify. Authorized E-Verify users must not:

- Share their password with anyone, or
- Post or write down their password where it can be viewed by others.

C. E-Verify: Special Considerations for Completing Form I-9
Campus procedures determine whether the employing unit or the campus/central HR office will complete the Form I-9 for an employee who is required to be E-Verified. When completing a Form I-9 for an employee who must be E-Verified, the following special considerations must be observed:
Section 1
- Each employee who is required to be E-Verified must provide his/her Social Security Number in Section 1 of the Form I-9. If an employee is not required to be E-Verified, then providing the Social Security Number is voluntary in Section 1.
- The employee’s Social Security Number is required for the E-Verify query. If an employee who is required to be E-Verified does not have a Social Security number at the time of hire, then the campus/central HR office will submit the E-Verify query after the employee has received his or her number from the Social Security Administration. However, the Form I-9 must still be completed in the required time frame.
- The campus/central HR office will make a note of the reason for the delay in submitting the E-Verify query (i.e., SSN applied for, but not yet received).

Section 2
- If the employee is required to be E-Verified and presents a List B document, then that List B document must contain a photograph. The List B photograph is to be compared to the individual during the Form I-9 process.
- If the employee who is required to be E-Verified chooses to present an Employment Authorization Document (Form I-766), Permanent Resident Card (Form I-551) or U.S. passport/U.S. passport card during the Form I-9 process, you must copy such document and keep it with the employee’s completed Form I-9 (i.e., upload to the electronic I-9 system). The photo on such document will be compared to a photo displayed by the E-Verify system during the E-Verify process to see if the two photos are reasonably identical.

Section 3
- Reverification is completed using the Form I-9 only. In the case of an employee who has previously been E-Verified, the employee’s information will not be submitted again in the E-Verify system. An employee who remains continuously employed by the University may be E-Verified one time only.

D. E-Verify Case Verification Number
When an employee who is required to be E-Verified is queried in the E-Verify system, an E-Verify Case Number is assigned. The electronic I-9 system will maintain this number. The E-Verify Case Number must also be entered into BANNER.

In the event that a paper Form I-9 must be completed, the E-Verify Manager will clearly write the E-Verify Case Number on the top left side of the paper I-9 Form. The E-Verify Manager will print the E-Verify case results and maintain with the completed I-9 for upload into the electronic I-9 system.

e. E-Verify Results
Once the E-Verify Manager submits an employee’s Form I-9 information via an E-Verify query, the E-Verify system will return one of the following results:

Employment Authorized
An Employment Authorized result indicates the employee is authorized to work.
Employment Authorized, Request Name Review

- In some cases, the name returned in E-Verify does not match exactly with the name on Form I-9.
- The E-Verify Manager must determine if a name review is required, in which case, the E-Verify Manager must request the Department of Homeland Security (DHS) to review the variation to ensure the case result belongs to the intended employee.

Review and Update Employee Data

- SSA has found a discrepancy in the information it received on the E-Verify referral. This generally means typographical errors and/or incorrect information in the Form I-9.
- The E-Verify Manager will coordinate review of the Form I-9 with the employee, correction of information and updating the case.

DHS Verification in Process

- Information provided did not match DHS records. The case is automatically referred to DHS for further verification.
- The E-Verify Manager will check E-Verify daily for a follow-up response.

Tentative Non-Confirmation (TNC)

- The E-Verify Manager will advise the employee of the TNC in private.
- An employee must be allowed the option to continue working while resolution of a TNC is pending. It is unlawful to take any adverse action against an employee who has received a Tentative Non-Confirmation based on the employee’s decision to contest a TNC or because the case is still pending with the government.
- In the event an employee requests for time off to resolve a tentative non-confirmation are handled pursuant to existing policies for approved absence or paid time off. Normally a TNC can be resolved by phone call to the appropriate agency.

Case in Continuance

- The employee has visited a SSA field office, or contacted DHS, but more time is needed to determine a final case result.
- The E-Verify Manager will check E-Verify periodically (at least once a week – more often if possible) for an update in the case result.

E-Verify Final Non-Confirmation (FNC)

If an employee receives a Final Non-Confirmation (FNC) from E-Verify, the following steps will be taken:

- The E-Verify Manager will advise the employee of the FNC.
- The E-Verify Manager will notify the Principal Investigator (PI) or the employee’s supervisor as appropriate.
- Upon receipt of the FNC, the employee may, and in the vast majority of cases will, be terminated.

f. University Determination on Final Non-Confirmation (FNC)

If there is substantial reason to believe that the employee has received a Final Non-Confirmation in error, the following steps may be taken:
• The E-Verify Manager will consult with University Legal Counsel and other University officials as appropriate to make a determination about whether or not substantial evidence exists to believe the employee is authorized to work in the United States, and that the SSA and/or DHS databases queried by E-Verify contain errors related to the employee’s work authorization.
• The designated campus/central HR representative will make a determination about whether or not the employee will be terminated.
• The decision will be fully documented on a standardized form, and this documentation will be retained with the Form I-9.
• In the event that the employee is not terminated, the E-Verify Manager must notify DHS by resolving the E-Verify case with “Employee Not Terminated” status.

11. Compliance
The University is committed to employing a legal workforce. Because any violations identified in government audits of Form I-9, supporting documentation, and E-Verify data can result in substantial fines, criminal penalties and even the possibility of debarment from federal contracts, it is critical that employment verification is conducted in accordance with the policy and procedures outlined.

RESOURCES
• University of Illinois Employment Eligibility Verification Policy at https://hr.uillinois.edu/PolicyCompliance/Toolkit/GuidanceRes/FormI9.cfm
• See also the University Human Resources website at https://hr.uillinois.edu/PolicyCompliance/Toolkit/GuidanceRes/EmploymentEligibility.cfm for Form I-9 and E-Verify resources, including a checklist for completing the Form I-9, Remote I-9 procedures, and E-Verify FAQs.