

Employment Eligibility Verification

Training for Employment
Eligibility Verification, Form I-
9 Completion, SAP Processing
and E-Verify

Objectives

- Understand the purpose and importance of employment eligibility verification.
- Review how to correctly complete the Form I-9.
- Understand where I-9 information is stored in SAP.
- Understand the E-Verify process.

Program Content

- Employment eligibility verification
- Form I-9 completion
- Residence status master data
- E-Verify procedures

Laws Requiring Verification

- Immigration and Nationality Act – June 1952: The foundation of immigration and naturalization rules for the United States.
- Immigration Reform and Control Act of 1986 (IRCA)
 - Made it unlawful for employers to knowingly hire or continue to employ unauthorized workers.
 - Set standards to implement employment eligibility verification.
 - Mandated that U.S. employers verify the employment eligibility status of newly-hired employees.
 - The Immigration and Naturalization Service (INS), created Form I-9, the main element of the verification process.
 - Added employer sanctions.

▶ Laws Requiring Verification

- Some employers are unaware of their violations until audited. Those who fail to comply with IRCA, whether willfully or by mistake, face severe financial consequences and a potentially tarnished public image.
- The U.S. Government's Immigration and Customs Enforcement (ICE) agency aggressively is auditing companies large and small.
- Some of the federally-mandated employer penalties:
 - Failing to properly complete, retain or make Form I-9 available for inspection can result in a \$100 to \$1,100 fine for each Form I-9.
 - Knowingly hiring or continuing to employ unauthorized workers can result in \$250 to \$11,000 fine per violation and possible imprisonment of 6 months for a pattern or practice of illegal immigrant hiring or retention.

▶ Laws Requiring Verification

- Immigration Act of 1990: Added provisions for anti-discrimination and document fraud.
- Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) signed September 30, 1996:
 - Required INS to reduce the number of acceptable documents by September 30, 1997.
 - Proposed a new verification form, I-9A.
 - On September 30, 1997, interim rules were released that eliminated four (4) acceptable documents from Form I-9, list A.
 - The interim rules are in place until USCIS decides on proposed regulations, which would change the acceptable documents in Form I-9, lists B and C.
- On March 1, 2003, service and benefit functions of the INS transitioned into the Department of Homeland Security (DHS) as the U.S. Citizenship and Immigration Services (USCIS).

Commonwealth Policy

- Although an individual may be permitted legally to work in the U.S., the person must also possess the credentials to be hired as an employee of the commonwealth.
- The commonwealth as an employer does not participate in employee sponsorship programs for permanent resident status (EB1, EB2, EB3 and EB4) or in the temporary hiring of foreign nationals (E-1, E2, E-3, H-1B, H-1B1, H-2A, H-2B, H-3, I, J, L-1A, L1-B, L-2, O-1, O-2, P-1, P-2, P-3, P-4, Q-1, Q-2, R-1, TN).

▶ Form I-9 Completion

- Form I-9 serves a dual purpose:
 - Permits verification of an individual's identity
 - Establishes an individual's employment eligibility
- In other words:
 - Is this person who he says he is?
 - Is this person authorized to work in the United States?

▶ Form I-9 Completion

- Provide employee with the most recent version of Form I-9 and the instructions
 - Agencies may **not** begin the Form I-9 process until the individual has been offered a job and he/she accepts the job offer. At that time, the Form I-9 and instructions may be given to the individual.
- Give employee guidance as requested
 - May review the purpose of the document
 - May tell the employee that without proper documentation, unable to hire/must discharge
 - May **not** advise the person as to which documents should be provided for identification and eligibility

▶ Form I-9 Completion

- If no documents or inadequate or expired documents provided, you must take action!
- Other necessary steps for agencies not supported by the HR Service Center
 - File document in the Official Personnel File
 - Retain an employee's completed Form I-9 for as long as the individual works for the commonwealth.
 - Once the individual's employment has terminated, retain the document either three years after the date of hire or one year after the date of termination, whichever is later.

Form I-9 Completion:

Specific Sections and Responsibilities

Section 1: Employee Information and Verification

- The employee is responsible for completing the entire section by the end of the first full day of work.
 - Social Security number must be included.
 - Legal employment status category must be indicated.
 - Form must be signed. (*Electronic signature is applied if form is completed through online orientation.*)

▶ Form I-9 Completion: Specific Sections and Responsibilities

Section 1: Employee Information and Verification

- The employee may have another person (preparer and/or translator) complete the section. If so, that individual must certify to assisting the employee with the form.
- The employer should review this section for completeness.

Form I-9 Completion:

Specific Sections and Responsibilities

Section 2: Employer Review and Verification

- The employee must provide adequate documentation as described in List A or Lists B and C.
 - Except for a certified copy of the birth certificate, all documents presented must be originals.
 - Expired documents are not acceptable.
 - The employer must examine and certify that the documents provided appear to be genuine and belong to the employee.
- Using the employee's documents, the employer must complete and sign Section 2 within three (3) days after the employment start date.

Form I-9 Completion:

Specific Sections and Responsibilities

Section 2: Employer Review and Verification

- I-9 Verifiers may photocopy the original documents and use these copies to complete Section 2. Once Section 2 has been completed, all copies must be shredded.
- No photocopies of documentation used to verify Section 2 (social security card, driver's license, etc.) should be submitted to the HRSC via E-PAR.
- No photos should be maintained in the Official Personnel File (OPF).

▶ Form I-9 Completion:

Specific Sections and Responsibilities

Section 3: Updating & Verifying

- Completed by the employer when it is necessary to update or re-verify an employee's work authorization when the previous authorization has expired.
- This section is only completed for aliens authorized to work in the United States. It is not necessary to update information for U.S. citizens or permanent residents.
- If revalidation of documents occurs within one (1) year of previous review, then complete Section 3. If more than a year since revalidation, then complete a new Form I-9.

▶ Form I-9 Completion:

Insufficient or Incomplete Documentation

- If the employee does not present the required documentation by the third day of employment, they must be provided the following information.

Form I-9 Completion: Insufficient or Incomplete Documentation

With the start of your employment, the Commonwealth of Pennsylvania is required by the Immigration Reform and Control Act of 1986, Public Law 99 603, to verify your identity and employment eligibility in order for you to be permitted to work. This requires you to provide to your employer within three business days of your first day of work the documentation needed to complete this verification. Appropriate types of documentation are noted in the attached "Lists of Acceptable Documents."

Since you began work on {DATE} and have not provided this documentation, you must provide it to {NAME} no later than {DATE}. If you do not provide the required documentation by then, you will not be able to continue to work and you should not report to work after that date; if you do report to work after that date without having provided the required documentation, you will be sent home. In either case, your absence from work, as well as any others that follow due to this reason, will be considered to be unauthorized and you will be subject to appropriate administrative action, which may include your removal from employment.

If you have any questions about this matter, or need help in determining what documentation you must provide, please contact {NAME} at {PHONE NUMBER and/or Email ADDRESS}.

{Attach list of acceptable documents}

Required Documentation

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"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 		<ol style="list-style-type: none"> 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 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 		<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
<ol style="list-style-type: none"> 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status 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. 		<ol style="list-style-type: none"> 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p style="text-align: center;">For persons under age 18 who are unable to present a document listed above:</p>		<ol style="list-style-type: none"> 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-197) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
<ol style="list-style-type: none"> 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 		<ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 		<ol style="list-style-type: none"> 8. Employment authorization document issued by the Department of Homeland Security

▶ Residence Status Master Data

- Agencies not supported by the HR Service Center are responsible to update SAP with the Form I-9 data.
 - IT0094, Residence Status
 - IT0210, Withholding Info W4/W5 (applies to non-resident aliens only)
- Form I-9 data for agencies supported by the HR Service Center (HRSC) is stored in the Tracker I-9 application and accessible to agencies via e-OPF.

▶ Residence Status Master Data

- Independent agencies not supported by the HR Service Center (HRSC) must record information from Form I-9 in SAP, Infotype 0094.
 - Because this portion of SAP is not customized, the item names and descriptions in SAP will not necessarily match what is stated on the Form I-9.
 - In order to maintain consistency in SAP for Infotype 0094 entry, please use the Verification Eligibility Key.

▶ Residence Status Master Data

- With the employee's Form I-9 in hand, access SAP Infotype 0094:
 - Under Personal Identification, enter information from Form I-9, Section 1 and document from Section 2, List A or List B.
 - In the Employment Verification section, enter document from List C.
 - Complete all corresponding entry sections about the document(s) such as issuing agency, ID number and valid dates.
- For more detailed processing instructions, review the [IT0094 Business Process Procedure](#).

▶ Non-Resident Tax Indicator

- IT0210 (Withholding Info W4/W5) is used to indicate that an employee has been designated as a non-resident for payroll tax calculation purposes.
- Indicator should be checked if the employee's regular payroll tax calculation should use a non-resident alien formula.

IT0210: Withholding Info W4/W5



Display Withholding Info W4/W5 US (0210)

Personnel no [] Active Payr.area Z3
EE group P Permanent 81 Executive Offices EX HR Op Div
EE subgrp F7 Full-time 75 MA33 MGT A3 NPOT Hr Anl (Hr Sys)
Start 12/22/2007 to 12/31/9999 Chg. 12/11/2007 P00019971

Status
Tax authority FED Federal Tax level A Federal
Filing status 01 Single

Exemptions
Allowances 3
 Tax exempt indicator IRS mandates

Withholding adjustments
Add.withholding 0.00 USD Non-Resident tax calculation
Default formula 1 PCT MTHD-RES. U Alt. formula 0

W-5 filing status
EIC status

Overrides (from Infotype 0234)

From date	End date	Supplemental method	Tax override	Em...

Non-Resident Tax Calculation Indicator should be selected for employees who are identified as Non-Resident Aliens.

E-Verify Procedures

NOTE: Agencies not supported by the HR Service Center will not use E-Verify and should continue to complete the paper Form I-9 and SAP processes as described in previous slides.

▶ E-Verify

- Effective August 27, 2012, all new hires and rehires in agencies supported by the HR Service Center (HRSC) will be processed through the federal E-Verify employment eligibility verification system.
- E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS) with the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA).

▶ E-Verify

- E-Verify compares information from an employee's Form I-9, Employment Eligibility Verification, to data from DHS and SSA records to confirm employment eligibility.
- E-Verify provides an automated link to DHS and SSA databases to help employers determine employment eligibility and the validity of Social Security numbers.
- E-Verify helps employers maintain a legal workforce, protect jobs for authorized U.S. workers, reduce Social Security Number mismatches and improve the accuracy of wage and tax reporting.

▶ E-Verify: Commonwealth Responsibilities

- It is imperative that employees understand the commonwealth's responsibilities related to the E-Verify system.
- The commonwealth must comply with the following E-Verify rules to ensure we do not risk termination from the program or face other legal action.

E-Verify: Commonwealth Responsibilities

- All new hires must complete a Form I-9 within 3 business days of his or her first day on the job (start date).
- HRSC must complete the initial verification inquiry in E-Verify no later than the end of the 3rd business day after the new hire's start date.
- The commonwealth cannot use E-Verify to verify new hires selectively.
- The commonwealth must follow E-Verify procedures for all new hires regardless of national origin, citizenship or immigration status.
- The commonwealth must provide employees with an opportunity to challenge a Tentative Non-Confirmation (TNC).
- The commonwealth cannot request that an employee use certain Form I-9 documentation for E-Verify purposes.
- The commonwealth cannot use the system to pre-screen applicants for employment.
- The commonwealth cannot go back and verify employees hired before August 27, 2012.
- The commonwealth cannot use the system to re-verify employment authorization.
- The commonwealth cannot use the system to re-verify employees whose documents have expired.
- The commonwealth cannot take adverse action against an employee based on E-Verify results unless the system issues a Final Non-Confirmation.

▶ E-Verify: Agency Responsibilities

- Agencies will retain their responsibility to conduct identification and employment verification for all new hires, rehires, annuitants, returns from furlough and dual hires

▶ E-Verify: Agency Responsibilities

- Agency HR personnel or I-9 Verifiers will continue to:
 - Ensure the new hire completes the Form I-9, Section 1 in a timely manner
 - Physically examine the documentation presented by the new hire
 - Complete the Form I-9 Section 2
 - Provide guidance to the employee as needed

▶ E-Verify: HR Service Center Responsibilities

- The HRSC will submit all completed Form I-9 data through the federal E-Verify system.
- HRSC staff will follow up with employees, supervisors and agency HR offices as needed to resolve any Tentative Non-Confirmation or Final Non-Confirmation results.
- I-9 forms will be loaded to the e-OPF.

▶ E-Verify Procedures

- Agencies supported by the HRSC are required to notify all new hires effective on or after August 27, 2012 of the use of E-Verify as outlined below.
- Notification to prospective hires:
The Commonwealth of Pennsylvania participates in the Federal Employment Verification Program (E-Verify). Your employment will be contingent upon confirmation of your employment eligibility through the E-Verify Program.

▶ E-Verify Procedures

- E-Verify posters: Agencies supported by the HRSC must display the E-Verify posters in areas that are clearly visible to prospective employees.
 - The E-Verify Participation Poster and Right to Work Poster must be displayed in both English and Spanish.
 - These posters are available on the OA website under [Human Resources > Workplace Support > Required Postings](#).

E-Verify Procedures

- Employee completes Section 1 of the Form I-9 via the online orientation, Tour 1.
- Agency I-9 Verifier completes Section 2 of the Form I-9 (detailed instructions available in the [Guide for I-9 Verifiers](#)).
- HRSC submits and monitors the E-Verify case.
- If employment is authorized, case is closed and the employee is eligible to work.

E-Verify Procedures

- If the case comes back from E-Verify as a Tentative Non-Confirmation (TNC), the employee must be given the opportunity to correct the issue.
 - The HRSC will provide a Further Action Notice (FAN) from the DHS or SSA for the employee to indicate whether he or she chooses to contest or not contest the TNC.
 - If the employee chooses not to contest the TNC, his or her employment must be terminated.
 - If the employee chooses to contest the TNC, the HRSC will provide a subsequent Referral Date Confirmation Letter from the DHS or SSA that must be given to the employee.

▶ E-Verify Procedures

- When the Referral Date Confirmation Letter is received the employee has 8 federal business days to contact DHS/SSA to resolve the issue.
- HRSC monitors the case for DHS/SSA updates, which will indicate if the employment is authorized or the employee's employment eligibility could not be verified (Final Non-Confirmation).

▶ E-Verify Procedures

- If there is a Final Non-Confirmation, the employee must be notified that his or her employment will end at the close of business that day.

Note: If your agency receives a TNC or FNC, HRSC staff will contact you directly and provide the necessary guidance.

Thank you.

Questions related to
Form I-9 or E-Verify should be directed to:

Jordan Rummel
jrummel@pa.gov
717.705.9135

Or

Lisa Galic
lgalic@pa.gov
717.425.7354