Indiana University Procedures for the Form I-9/E-Verify Process

A. Introduction

1. As a result of State of Indiana law, Indiana University participates in the U.S. Department of Homeland Security’s E-Verify system to confirm the eligibility of all new employees to work in the United States. The E-Verify system first requires a new employee and the University to complete Form I-9, Employment Eligibility Verification; a requirement that has been in place for many years.

2. The University has contracted with General Information Services Inc. (GIS) for a web-based integrated business solution for the completion of Form I-9s, E-Verify checks, and criminal background checks. GIS’s services also include the electronic retention of associated records, management reports, and customer service support for employees and University department personnel.

3. This document is not intended to be a replication of the resources on the GIS system and user training available on the University HR website. It is a compilation of information that focuses on IU based procedures, steps, and actions that IU departments and employees are to follow related to the Form I-9/E-Verify process.

B. Roles and Responsibilities of Users in the GIS Compli-9 System

1. The University’s account with GIS for their I-9 Solution process is a single university-wide account. There are two levels of roles within the account:

   a. **Standard Users** who have the following abilities and responsibilities in the system:

      1. Enter the new employee’s name, email address, and start date into the initiate the I-9 process. The GIS system will send an email to the employee with log on information.

      2. Complete Section 2 of the Form I-9. It is acceptable to have different Users send the invitation and complete Section 2 of a Form I-9. Users must be IU employees.

      3. The E-Verify check is automatically ordered by the system after Section 2 is completed (as long as a SSN was entered by the employee in Section 1 of the Form I-9).

      4. View the E-Verify results. If a confirmation of employment eligibility is received, inform the employee. Close the E-Verify case using the GIS system.

      5. If a Tentative Non-Confirmation (TNC) of employment eligibly is received, immediately notify the campus Human Resources office for Staff and Hourly employees or Academic Affairs office for Academic employees and refer the employee to that office.
6. No further action is required of the Standard User.

b. **Human Resources and Academic Affairs Administrators – Administrator Users** who have the following abilities and responsibilities in the system:

   a. All of the same abilities and responsibilities of the General Users listed above, plus:

   b. Handling TNC cases, following the instructions in the GIS system.

      a. Meet with the employee in a private setting and make the employee aware of the tentative finding. If the employee decides not to contest the finding, it becomes a final decision and the employee is not eligible to work in the US and must be terminated. Obtain the required signatures and assist the hiring department with the termination. Use Term Code MI9. Close the case in GIS.

      b. If the employee decides to contest the finding, follow the GIS instructions. Inform the department and wait until E-Verify reports the conclusion of the case.

      c. If a confirmation of employment eligibility is received, inform the employee and the hiring department. Close the case using the GIS system.

      d. If the employee is found not to be eligible to work, inform the employee and assist the hiring department in the termination of employment. Use Term Code MI9. Close the case in GIS following the instructions in the system.

   c. In addition to the responsibilities above, the Administrator User also has the ability to add or to inactivate Standard Users on their campus directly on the GIS system.

C. **I-9 Processing for New Employees**

1. The Form I-9 can only be initiated after an offer of employment has been accepted. The entire Form I-9 may be completed at any time prior to the start of employment, but Section 1 must be completed by the end of the first day of employment. Section 2 must be completed by the end of the third business day of employment. If either section is not completed within its deadline, the employee cannot be allowed to work until it is completed. The hiring department is to stop the employee from working if Section 1 of the form is not completed by the end of the employee’s first day of employment or if Section 2 is not completed by the end of the 3rd business day of employment.

2. A Social Security number (SSN) is not required for the Form I-9, but is required for E-Verify. If the employee does not yet have a SSN, the hiring department is still to complete Section 2 of the Form I-9 within the GIS system. It will remain in a pending status in the GIS system and will not be submitted to E-Verify until the SSN is entered. The employee continues to work during this period since the Form I-9 has been completed.
3. A paper Form I-9 will remain available in the Forms section of the UHR web site to be used for exceptional situations in which it is not possible to do an electronic Form I-9 such as the person completing section 2 is a non-IU employee. After the paper I-9 is completed, it is to be scanned into a PDF and uploaded to the GIS web site. The process will then follow the normal route.
   a. **Note:** It is imperative that any scanned Form I-9 be hard deleted as soon as the uploading is complete. All paper copies of the Form I-9 are to be shredded as soon as the uploading is complete. The GIS system is the keeper of all Form I-9s completed on or after July 25, 2011 and departments will not maintain any originals or copies within its paper or electronic files. Copies are not to be forwarded to GIS by email.

4. If an employee requires assistance in completing Section 1 of the Form I-9, either the electronic or paper version, the hiring department may assist the employee and complete the “Preparer Certification” section of the Form I-9. If an employee has no email address or no ready access to a computer to receive the initial invitation and to complete Section 1, the hiring department can provide a computer for this to be done. Instead of emailing the credentials to the new employee print the credentials from GIS and provide them to the new employee.

5. Scanning of documents presented for Section 2 of the Form I-9: Only three documents are required to be scanned into the GIS system. They are used in the E-Verify photo matching process. All are from List A of the Form I-9 and an employee will only have one of them and may have none. The three forms are a US Passport (or US Passport Card), a Form I-551 (Permanent Resident Card), or a Form I-766 (Employment Authorization Document that contains a photograph). If one of these documents is entered into Section 2, make a copy and upload it to the GIS system. There may be an exception for employees who the Office of International Services is assisting. See paragraph H below.
   a. **Note:** It is imperative that all uploaded documents be hard deleted as soon as the uploading is complete. All paper copies are to be shredded as soon as the uploading is complete. The GIS system is the keeper of all documents on or after July 25, 2011 and departments will not maintain any originals or copies within its paper or electronic files. Caution needs to be taken when creating a document for uploading. Do not use a scanning machine that emails the documents. Information on these documents, such as SSN and date of birth, is never to be sent by email.

D. E-Verify for New Employees

1. Effective December 1, 2011, E-Verify allows an E-Verify check to be run with a future hire date up to one year (365 calendar days) from the current date rather than hold it until the employee’s actual hire date. Anyone who was in the system at the time of this change will still be run on the hire date.
2. If E-Verify check results in a Tentative Non-Confirmation (TNC), the hiring department’s responsibility is to inform the employee, refer the employee to the campus Human Resources or Academic Affairs office, and inform that office of the TNC. Either a telephone call or email is acceptable. All further activity regarding E-Verify is the responsibility of the campus Human Resources or Academic Affairs office until a final determination is received.

3. The employee has rights under E-Verify to continued employment during the E-Verify process. The E-Verify manual states: “You may not terminate, suspend, delay training, withhold pay, lower pay, or take any other adverse action against an employee based on the employee’s decision to contest an SSA (or DHS) TNC or while his or her case is still pending with SSA (or DHS).”

4. The campus Human Resources and Academic Affairs office responsibilities in TNC cases are described under the Administrator User description above.

5. There is no appeal within the University of a termination as the result of the employee’s decision not to contest the TNC or if a not-eligible-to-work decision is received from E-Verify.

6. If the employee receives confirmation of employment eligibility or the employee does not contest a TNC or receives a final not eligible to work decision, the campus Human Resources or Academic Affairs office closes the E-Verify case following the instructions in the GIS system.

E. Form I-9 Re-verifications – Section 3

1. An employee who presented a List A or a List C document with an expiration date when the original Form I-9 was completed, must have his or her authorization to work in the US re-verified on or before the expiration date of the document. The employee cannot legally work beyond the expiration date without a re-verification of an extension using new documents.
   a. Note: USCIS rules state that U.S. citizens and noncitizen nationals never need re-verification. Do not re-verify a U.S. passport or passport card, a Form I-551 (Permanent Resident Card), or a List B document.

2. Section 3 is to be completed no later than the expiration date of the authorization to work in the US by accessing the employee’s Form I-9 record in the GIS system

3. Campus Human Resources and Academic Affairs offices will continue to notify units regarding existing paper Form I-9s that are expiring.

F. The Form I-9/E-Verify Process for Re-Hires
1. A new Form I-9 is to be completed for any former employee who is being rehired to work for the University. This is necessary so that the person’s Form I-9 can be submitted to E-Verify. It is no longer possible to use the re-verification (Section 3) process for employees who have been separated from employment and are being rehired since re-verifications (section 3) are not submitted to E-Verify.

2. For purposes of the I-9/E-Verify process, an employee separated on a workday and rehired on the next workday will be viewed as continuous and will not require a new Form I-9. This includes situations in which the separation occurs on a Friday and the rehire occurs on the next Monday. If the rehire occurs later than the next workday following the separation, new electronic I-9/E-Verify will be required.

G. Impact on HRMS and eDoc Processing

1. The GIS system will be maintaining all Form I-9 information, so there is no longer a need to record Form I-9 information on the Add Person or Maintain Person eDocs.

2. Reports will be run to reconcile new hires against the I-9 data in the GIS system. Departments will be contacted when there appear to be problems.

H. International Services

1. Departments should follow The Office of International Services’ procedures for new employees that OIS is assisting.

2. OIS may require that copies be made of additional documents that the employee presents in the Form I-9 process. If those procedures require that copies of documents remain within departments, then they must be uploaded to the GIS system where they can be accessed as needed. No paper copies are to be maintained in the departments.
   a. **Note:** It is imperative that all uploaded documents be hard deleted as soon as the uploading is complete. All paper copies are to be shredded as soon as the uploading is complete. The GIS system is the keeper of all documents on or after July 25, 2011 and departments will not maintain any originals or copies within their paper or electronic files. Copies are not to be forwarded to GIS by email.

I. Miscellaneous Items

1. Foreign Language TNC Letters: The E-Verify regulations stipulate that if the employee cannot understand English, the TNC letters are to also be provided in one of several foreign languages. Campus Human Resource and Academic Affairs offices can obtain the letters from the E-Verify website at: www.uscis.gov/E-Verify and selecting “Publications” and then
“Foreign Language Resources.” The employee is to sign the English language letters and be provided with copies of both the English and the foreign language letters.

2. Employees working on Federal Contracts: The Federal Executive Order that requires all employees who are working on federal contracts to go through E-Verify remains in effect. This covers current employees who begin to work on a federal contract as well as new employees on such contracts.