

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

### A. Introduction

1. As a result of a new State of Indiana law, Indiana University will be using 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. To facilitate the implementation of E-Verify and to improve the University's management of Form I-9 processes, the University has contracted with HireRight Inc. for a web-based integrated business solution for the completion of Form I-9s, E-Verify checks, and criminal background checks. HireRight's services also include the electronic retention of associated records, management reports, and 24x5 customer service support for new employees and University department personnel.
3. This document is not intended to be a replication of the procedures on the HireRight website, its training sessions, or resources. It is a compilation of information that focuses on IU based procedures, steps, and actions that IU employers and employees are to follow related to the Form I-9/E-Verify process.

### B. Roles and Responsibilities of Users in the HireRight I-9 Solution Account

1. The University's account with HireRight for their I-9 Solution process is a single university-wide account. There are two levels of roles within the account:
  - a. **General Users** who have the following abilities and responsibilities in the system:
    1. Enter the employees name, email address, and start date into the invitation page of the website. The HireRight system will send an email to the employee with log on information.
    2. Complete Section 2 of Form I-9. It is acceptable to have different Users complete Section 1 and Section 2 of a Form I-9.
    3. E-Verify automatically runs after Section 2 is completed.
    4. View the E-Verify results. If a confirmation of employment eligibility is received, inform the employee. HireRight will close the case in the web site.
    5. If a Tentative Non-Confirmation (TNC) of employment eligibility 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 General User.

- b. Super Users:** The title of this group has changed to “Human Resources and Academic Affairs Administrators - Super Users.” They have the following abilities and responsibilities in the system:
1. All of the same abilities and responsibilities of the General Users listed above.
  2. Handling TNC cases, following the instructions in the HireRight system.
    - a. In addition to a message from the hiring department, HireRight will automatically send an email to UHRS informing IU of the TNC. UHRS will inform the appropriate campus Human Resources or Academic Affairs office.
    - b. 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 that 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 HireRight.
    - c. If the employee decides to contest the finding, follow the HireRight instructions. Inform the department and wait until HireRight reports the conclusion of the case.
    - d. If a confirmation of employment eligibility is received, inform the employee and the hiring department. HireRight will close the case in its web site.
    - e. 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 HireRight following the instructions in the web site.
  3. In addition to the responsibilities above, the Super User also has the ability to add or to inactivate General Users on their campus directly on the HireRight web site.
  4. Super Users have the ability to produce Management Reports from the HireRight system. These reports will be used to monitor I-9/E-Verify processing compliance.

### **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 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 on or before the employee’s first day of employment or if Section 2 is not completed by the end of the 3<sup>rd</sup> day of employment.

2. A Social Security number (SSN) is required under the E-Verify rules. 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 HireRight system. It will remain in a pending status in the HireRight site and not be submitted to E-Verify until the SSN is entered. After 30 days, HireRight will send an email reminder to the person who completed Section 2 if the SSN has still not been 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 UHRS web site to be used for exceptional situations in which it is not possible to do an electronic Form I-9. After the paper I-9 is completed, it is to be scanned into a PDF and uploaded to the HireRight web site. The process will then follow the normal route.  
**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. HireRight 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 HireRight 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, called the kiosk mode within HireRight. The employee's entries will be entered into the secure HireRight web site.
5. Scanning of documents presented for Section 2 of the Form I-9: Only three documents are required to be scanned into HireRight. 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, the HireRight web site will prompt the User to make a copy and upload it as a PDF to the HireRight web site. If there is no prompt to upload, the documents that the employee presents do not need to be copied or uploaded. There may be an exception for employees who the Office of International Services is assisting. See paragraph H below.  
**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. HireRight 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. Copies are not to be forwarded to HireRight by email.

#### **D. E-Verify for New Employees**

1. E-Verify cannot be initiated until the date that employment begins. If the Form I-9 is completed before this date, it will be placed in a hold status within HireRight who will initiate E-Verify on date that employment begins.
2. If E-Verify returns 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. E-Verify protects the employee's rights 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 Super User description in B.1.b. 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.
6. Who closes the case depends on its outcome. If the employee receives confirmation of employment eligibility, HireRight will close the case. If 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 case following the instructions in the HireRight web site.

#### **E. Reverifications – Section 3 of Form I-9**

1. The E-Verify regulations prohibit an employee who is going through the reverification (Section 3) process to be reviewed in E-Verify.
2. For continuing employees who have documents that will be expiring and who have already been through the electronic HireRight E-Verify process, HireRight will notify the employee and the person who completed Section 2 of the need to complete Section 3 in advance of the expiration date. Section 3 is to be completed online by accessing the employee's Form I-9 in HireRight's records. The HireRight process will not forward a

Form I-9 that has been submitted through the reverification (Section 3) process to E-Verify.

3. Campus Human Resources and Academic Affairs offices will continue to notify units regarding existing paper Form I-9s that are expiring.
4. If the employee's expiring Form I-9 is paper, upload the existing paper Form I-9 into HireRight as it is and complete Section 3 online. The upload and reverification will ensure that notifications about future expirations will be provided and ensure that a new E-Verify is not run. **Do NOT** complete a **new** Form I-9 online since it will initiate E-Verify which is prohibited for continuing employees who are completing the reverification-Section 3.
5. An employee who is separated from the University and is then rehired will require a new Form I-9 and will be subject to the E-Verify review.

#### **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. Since reverifications (Section 3) are not submitted to E-Verify, it is no longer possible to use the reverification (Section 3) process for employees who have been separated from employment and are being rehired.

#### **G. Impact on HRMS and eDoc Processing**

1. HireRight 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 HireRight. 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 HireRight system where they can be accessed as needed. No paper copies are to be maintained in the departments.  
**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. HireRight 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 HireRight by email.

## **I. Miscellaneous Items**

- 1. The IU Reference Number:** This is a required IU number which must be entered into the HireRight's Form I-9 screen before it can be submitted. The number begins with the two digit campus abbreviation, followed by the department's HRMS code, and ending with the account number to which any HireRight fees are to be billed.
- 2. The Hiring Manager:** This is a term used within the HireRight web site that has caused some confusion. It is the term given to a person who is not a University registered User and who is being given one-time access to the HireRight system to complete one person's Form I-9 Section 2. HireRight will provide this person with an ID that expires after one use and which permits the person to see only the one Form I-9 for which he or she is to complete Section 2. Do not designate a Hiring Manager if the person who is going to complete Section 2 is a University registered User. He or she already has access to the Form I-9s.
- 3. 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](http://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.
- 4. 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. The existing procedures for this process remain in effect, but require some updating in light of the use of HireRight's I-9/E-Verify Solutions process.
- 5. The UHRS Web site, [Employment Eligibility Verification](#)** is now available. In addition to these procedures, it contains links to a power point presentation from HireRight, a link to a videotape of one of the training sessions offered by HireRight, copies of communications that have been sent related to this process, links to resources for both Form I-9 and E-Verify, and links to the posters which employers are to display in their workplaces. Additional items may be added to the site as appropriate.