

YAKIMA COUNTY
I-9 EMPLOYMENT ELIGIBILITY & VERIFICATION POLICY
POLICY NO. HR-14

I. PURPOSE

The purpose of this policy is to ensure that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986 (IRCA), as amended.

Federal law requires employers to follow uniform procedures. The federal government uses E-Verify to enhance enforcement of federal immigration law. E-Verify is mandatory for federal contractors with contracts containing the Federal Acquisition Regulation (FAR) E-Verify clause, and other employers may choose to use E-Verify voluntarily to supplement Form I-9.

Since employment of unauthorized aliens and improper I-9 documentation can result in the imposition of substantial fines against the County, it is crucial that all I-9s be completed accurately and in a timely manner.

II. DEFINITIONS

1. New Hire: first time an employee is hired with Yakima County.
2. Rehire: employee that previously worked for Yakima County, separated employment, then returned to work through competitive recruitment.

III. NEW HIRES/REHIRES

Yakima County is committed to complying with federal laws and regulations concerning verification of employment eligibility and record keeping for employees hired to work in the United States. Anyone with questions regarding any aspect of employment and/or identity verification should contact the Human Resources Department.

1. As an E-Verify employer, Yakima County will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization. Employment eligibility verification through E-Verify will also be required for current employees who begin work on covered federal grants or contracts but who previously have not been entered into E-Verify.

The I-9 procedure will not be conducted before an offer of employment has been made to a candidate and the candidate has accepted the offer.

2. For purposes of this policy, Rehired employees will be treated as New Hires.
3. The first day of employment means the first day an employee works in exchange for wages or other remuneration.

IV. SECTION 1, FORM I-9

1. Newly hired employees must complete Section 1 of the Form I-9 in its entirety on the first day of employment. They may complete Section 1 before this date, but only after acceptance of an offer of employment. Under general Form I-9 practice, employees can voluntarily provide their Social Security Numbers (SSNs) on Form I-9; however, because SSNs are required for employers to create E-Verify cases, all employees whose eligibility will be verified in E-Verify **must** provide their SSNs. The employee is also required, when completing Section 1 of the I-9 Form to attest under penalty of perjury that he or she is a U.S. citizen, lawful permanent resident, or an alien authorized to work. If an employee attests that he or she is an alien authorized to work, he or she must indicate the expiration date of his or her temporary work authorization and include his or her Alien number or Admission number. Lawful Permanent Residents, also known as "green card" holders or "Permanent Resident Aliens," and citizens and nationals of the United States should check the appropriate box indicating status.
2. On or before the third day of employment, the employee must present original I-9 documents in person to the employer (i.e., the employee cannot FedEx, fax, mail or provide copies of the documents). The employee should refer to the Acceptable Document List on the I-9 form. If the employee cannot present documents establishing work authorization and/or identity within three business days of beginning employment, the employee and his or her supervisor will be informed immediately that the employee may not continue performing duties or services. The employee may return to work as soon as he or she presents acceptable documents verifying work eligibility and identity.

V. SECTION 2, FORM I-9

Yakima County must complete Section 2 of Form I-9 in its entirety within three days of the employee's date of hire.

1. Specific Documentation

a. Receipts for Replacement of Lost, Damaged, or Stolen Documents

If an employee presents an acceptable receipt for Form I-9 showing that he or she applied to replace a document that has been lost, damaged or stolen, the employer must wait to create a case in E-Verify. When the employee provides the actual documentation for which the receipt was presented, Yakima County must update the employee's Form I-9 and then create a case in E-Verify for the employee. However, Yakima County must create the E-Verify case by the third business day after the employee starts work for pay if the employee presents the following receipts:

- The arrival portion of Form I-94/ with a temporary I-551 stamp and a photograph of the individual.
- The departure portion of Form I-94/ with a refugee admission stamp or computer-generated printout of I-94 with admission code "RE".

A receipt is never acceptable for employment lasting less than three (3) business days.

2. When the employee is hired for a project that is expected to last less than three days, the **entire** I-9 procedure (both Section 1 and Section 2) must be completed on or before the employee's first day of employment.
3. The law prohibits employers from requiring more documents than the minimum acceptable number of documents or from rejecting valid documents and requesting specific documents. Over documentation refers to, but is not limited to, the following situations:
 - a. the employer requests more documents than required by law to complete the I-9 procedure; and/or
 - b. the employer rejects valid documents presented and requests specific documents preferred by the employer

Over-documentation can lead to an unfair employment practice or document abuse charge. The basic rule is that the employee need only present **either** one document from List A **or** one document from List B **and** one document from List C.

NOTE: The employer may not specify which documents the employee should present to verify employment eligibility and/or identity. If the employee asks which document(s) to present, he or she should be told to present any document from List A or any combination of documents from Lists B and C.

VI. EMPLOYER RE-VERIFICATION (SECTION 3 OF FORM I-9)

1. Work Authorization Documents Expiring:
 - a. E-Verify will provide a notification when an employee's Employment Authorization Document (I-766) or Arrival-Departure Record (Form I-94) document is expiring.
 - b. This notification is intended as a reminder to reverify the employee by completing Section 3 of Form I-9. There is no case created in E-Verify for reverification.
 - c. E-Verify notification to reverify will appear 90 days prior to expiration of the document; however, this notification will only appear when the Form I-766 or Form I-94 used for the E-Verify case expires – subsequent expiration dates will not activate another case alert.

2. Failure to Timely Present Documents for Re-verification

If, at the time of the expiration of work authorization, the employee is unable to provide proof of continuing work authorization, he or she will not continue to work beyond the validity of his or her work authorization. **The employee's supervisor must be notified by Human Resources immediately of the situation.** At the time the work authorization expires, the employee will not be permitted to continue performing duties or services. The employee may return to work as soon as he or she presents acceptable documents verifying work eligibility and identity.

VII. CENTRAL RETENTION AND STORAGE OF I-9 FORMS

The Human Resources Department is the official custodian of I-9 forms. Original I-9 forms for current and terminated employees will be stored separately from the employee's personnel file. I-

9s will remain locked or access to the room where they are stored will be limited to authorized personnel. All these documents may be used only for I-9 purposes. The records may not be copied or distributed without authorization from Yakima County's General Counsel.

1. **Current Employees** - The law requires employers to properly complete and retain a Form I-9 for every current employee hired after November 6, 1986.
2. **Terminated Employees** - I-9 forms for terminated employees must be kept for either one year from the date of termination of employment OR three years from the date of hire, whichever is longer.
3. **Rehires** - An employee who leaves the County, regardless of the length of separation and is subsequently rehired must complete a new Form I-9, unless the employee is being rehired within 3 years of completion of the original I-9 Form and is still eligible to be employed based upon the same documentation.

VIII. PRIVACY AND SECURITY

The use of E-Verify requires the collection of personally identifiable information (PII). Yakima County will protect the privacy of employees who submit information to be processed through E-Verify and ensure that all personal information collected is safeguarded and used only for the purposes outlined in the MOU between Yakima County and Department of Homeland Security (DHS).

1. Yakima County shall comply with the following steps to protect personal information and comply with the appropriate requirements:
 - a. Allow **only** authorized users to use E-Verify. Ensure that only appropriate users handle information and create cases.
 - b. **Secure** access to E-Verify. Protect passwords used to access E-Verify and ensure that unauthorized persons do not gain access to E-Verify.
 - c. Protect and **store** employee information properly. Ensure that employee information is stored in a safe and secure location and that only authorized users have access to this information.
 - d. Discuss E-Verify results in **private**. Ensure that all case results including Tentative Nonconfirmations (TNCs) and Final Nonconfirmations are discussed privately with the employee.

Adopted Copy Available at
Yakima County Human Resources
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