



ADMINISTRATIVE PROCEDURES

Procedure Number: 23-39

Effective Date: 11/13/2007

Revision Date: 08/13/2014

C. D. Mulberry
County Administrator

SUBJECT: VERIFICATION OF AN EMPLOYEE'S ELIGIBILITY TO WORK

DEPARTMENT RESPONSIBLE: All County Departments

I. STATEMENT OF PURPOSE

The Immigration Reform and Control Act of 1986 (IRCA) (Title 8 U.S.C. § 1324a et. seq.), the Aliens and Nationality Act (ANA) (Title 8 U.S.C. § 274a), and the Legal Arizona Workers Act (LAWA) (A.R.S. 23 §211 et. seq.) require verification of the identity and employment eligibility of all newly hired employees. Pima County shall follow the requirements of Federal and State statutes. If the newly hired employee is not eligible to work in the United States, that employee shall be promptly terminated.

Since January 1, 2008, the LAWA has required that all Arizona employers verify an employee's legal right or authorization to work in the United States within three (3) days after the date of hire by use of the E-Verify® System. E-Verify® is an internet-based employment verification program administered by the U.S. Department of Homeland Security and the Social Security Administration. On August 13, 2014, Pima County began using eI-9, provided by Automatic Data Processing (ADP), to process each new hire Form I-9 AND E-Verify®. This procedure governs the process for departments in Pima County using the ADP VirtualEdge Recruitment and Selection system to hire new employees.

II. PROCEDURE

- A. Once the candidate has accepted the position and been onboarded in VirtualEdge by the Department Personnel Representative (DPR), he/she will receive a link to the Pima County Salute portal. Within Salute, the new hire will have access to the list of acceptable documents that he/she must bring on the first day of work (DAY 1). The list is also available as part of the current Form I-9 on the Pima County Human Resources (HR) website and within the VirtualEdge Salute portal. The DPR may not specify which documents must be submitted for employment verification. However, documents from List B must contain photographs to meet E-Verify® requirements.

- B. After acceptance of the position but no later than the Date of Hire (DAY 1), each employee is required to complete Section 1 of Form I-9 electronically through el-9. A link to el-9 will be available through the Salute portal. Detailed instructions for completing el-9 are found in ADP el-9 New Hire's Guide. Completion includes electronic signature.
1. A rehired employee or an employee transferring from Superior Court, Juvenile Court or Clerk of the Court to another Pima County department will be processed in the same manner as a newly hired employee. A new Form I-9 is required regardless of whether or not there is a time lapse between employment dates.
 2. An existing employee who transfers from one department to another or a reappointed employee, other than those listed in II.B.1, will not be processed through E-Verify®.
 3. The employee must include a physical home address or description thereof. Post office boxes, mail stop codes, etc. are not permitted.
 4. Section 1 of Form I-9 may be completed by the employee with the assistance of a translator when necessary. Section 1 must not be completed by the DPR.
 5. If the employee is a minor and not able to provide a document from List A or a photo document from List B, the parent or guardian must complete Section 1. The parent or guardian shall complete the preparer and/or translator portion of Section 1 on the Form I-9. The DPR will type "Individual under 18" in the List B document verification of Section 2.
 6. The DPR is responsible for verifying that the employee has correctly completed, signed and dated Section 1 within el-9. If additions or corrections to Section 1 must be made, the employee must make the changes.
- C. On Date of Hire (DAY 1), the employee must provide acceptable supporting documents to the DPR within three (3) business days after the Date of Hire and no later than 3:00 pm on DAY 4. If these documents are not received within this time frame, the employee must be terminated (see section II.G). Exception: if employee is hired for only three (3) days, documents must be presented on DAY 1.
1. The DPR shall review all documents submitted to support Form I-9 for obvious signs of forgery or any other signs that would call into question the authenticity of the documents, to include the lack of an appropriate signature. If a submitted document is from List B, it must contain a photograph which shall be confirmed to match the person submitting it for employment.

2. Any obviously false document submitted in support of Form I-9 shall be rejected and reported to the Pima County Attorney's Office. Questions regarding documents or signatures must be directed to HR-E-Verify as soon as possible so as not to delay processing.
 3. A receipt from the Social Security Administration showing that an employee has applied for a Social Security card (Exhibit 1) is an acceptable List C document, however, the DPR must write "SSN Receipt" in List C. The employee must present the actual card to the DPR within ninety (90) days of the date on the receipt. Failure to do so may result in termination. When the new card is presented, the DPR will make a copy of the card and forward it to HR-E-Verify. A Social Security Number Printout (Exhibit 2) alone is not an acceptable List C Document.
 4. The DPR must make clear and legible scans of the front and back of each document submitted to complete Section 2. NOTE: if the document provided references other documents, the DPR must also scan both sides of the referenced documents. These scanned documents must be attached to the employee's ei-9 per the ADP ei-9 Manager's Guide. For security and privacy purposes, these scanned documents must not be sent by email.
- D. Using the supporting documents, the DPR must complete Section 2 within ei-9 per the instructions in the ADP ei-9 Manager's Guide. Completion requires electronic signature. If the employee's Date of Hire (DAY 1) falls on a non-business day (e.g., weekend or holiday) or during a shift outside the DPR's work hours, the DPR may complete Section 2 as soon as possible but not later than 3:00 pm on DAY 4.
- E. Upon successful completion of the ei-9 by the DPR, the employee's Form I-9 will be processed through E-Verify®. Per the Federal regulations for E-Verify®, this step must be performed within three (3) business days after the Date of Hire.

E-Verify® will return one of the results listed in the table below. The DPR and HR-E-Verify will complete the steps listed in the ADP ei-9 Manager's Guide as indicated.

If the E-Verify® Status is:	DPR will take the following action as detailed in the <u>ADP ei-9 Manager's Guide</u> :
Employment Authorized or SSA Employment Authorized	"Closing a Case"
Photo Matching Required	"Resolving a Photo Matching Requirement"
Case Incomplete	"Completing Incomplete Information and Resubmitting"
Close and Resubmit the Case	"Closing and Resubmitting a Case"

If the E-Verify® Status is:	1) DPR contacts HR-E-Verify. 2) HR-E-Verify will take the following action as detailed in the <u>ADP el-9 Manager's Guide</u>:
DHS Tentative Nonconfirmation or SSA Tentative Nonconfirmation	"Resolving a Tentative Nonconfirmation" and section F.1 below
DHS Referral in Process or SSA Referral in Process	"Resolving a DHS or SSA Referral"
DHS Final Nonconfirmation or DHS No Show or SSA Final Nonconfirmation	"Resolving a Final Nonconfirmation" and section F.2 below

F. Tentative Nonconfirmation

1. If the employee wishes to contest the nonconfirmation, he/she has eight (8) business days from the date of notification letter to visit or call the appropriate agency and resolve the discrepancy.
 - a. The employee must notify HR-E-Verify no later than the eighth business day to inform them whether or not he/she has contacted the appropriate agency to resolve the discrepancy.
 - b. The employee who contests a Tentative Nonconfirmation must be treated as a regular employee during the contest period. Under no circumstances may any action be taken against the employee because of the Tentative Nonconfirmation or while the employee's status is listed as "pending" or "continuing." The final resolution of the contest must be received before any necessary action can be taken.
 - c. Because it may take the appropriate agency longer than eight (8) business days to resolve the discrepancy, once the employee notifies HR-E-Verify that he/she has contacted the appropriate agency to resolve the discrepancy, HR-E-Verify shall check el-9 daily to confirm the employee's status.
 - d. Once the employee resolves the discrepancy in his/her records and notifies HR-E-Verify, HR-E-Verify will log in to el-9 and resubmit the case.
 - e. Upon resubmission, the results will be either "Employment Authorized" or "Final Nonconfirmation".

2. If the employee chooses "no contest" on the Tentative Nonconfirmation form, does not respond to HR-E-Verify within eight (8) business days from the date of notification letter or receives "Final Nonconfirmation" upon resubmission of the case, the case will be considered a Final Nonconfirmation and the employee shall be terminated as detailed in Section G.

G. TERMINATING AN EMPLOYEE

1. HR-E-Verify will follow the instructions in the ADP ei-9 Manager's Guide to resolve a Final Nonconfirmation.
2. With the approval of the HR Director or designee, HR-E-Verify will instruct the DPR to immediately terminate the employee.
3. The DPR will create a PAF with termination code = 95 – I-9 Nonconfirmation and send it to HR Records. The termination notice from HR-E-Verify must be attached to the terminating PAF.
4. Payment for hours worked will be addressed as part of the payroll process.

H. NAME CHANGES OR UPDATES IN DOCUMENTS

1. If an employee's name changes, the employee must contact HR-E-Verify and supply supporting documentation for the name change. HR-E-Verify will access the employee's Form I-9 (electronic or hard-copy) and update Section 3.
2. If an employee's supporting documents expire and updated information is provided, the employee must contact HR-E-Verify and supply supporting documentation for the name change. HR-E-Verify will access the employee's Form I-9 (electronic or hard-copy) and update Section 3.

III. RESPONSIBILITIES

Each department is responsible for the employee's completion of the ei-9 as well as verification and certification of documents submitted in support of the ei-9.

HR-E-Verify is responsible for reviewing the employee's eligibility to work for Pima County and has the authority to instruct departments to terminate unauthorized new hires based on the policies and procedures of E-Verify®.

IV. REQUESTS TO REVIEW OR RECEIVE A COPY OF AN I-9

Form I-9 contains confidential information and Human Resources must ensure that this confidential information is safeguarded. Therefore, access to I-9s is limited and will be determined by the Human Resources Director on a case-by-case basis.

Requests to review a Form I-9 (hard copy or electronic) or receive a copy of a Form I-9 must be in writing (to include email) and approved by the HR Director. HR-E-Verify will complete an affidavit to accompany copies of documents.

V. RECORDS RETENTION SCHEDULE

Pursuant to Federal and State law, the Form I-9 and supporting documentation, such as the E-Verify® case resolution record, will be maintained at least three (3) years after the employee's date of hire (DAY 1) or 1 year after the employee's termination date, whichever is longer. Please note that prior to use of E-Verify®, case resolution records were not required.

Additionally, as of August 13, 2014, retention and maintenance of Forms I-9 for employees who complete ei-9 are provided by ADP.

Exhibit 1

**Social Security Administration
Important Information**

Social Security Administration
SOCIAL SECURITY
88 W 38TH ST STE 100
TUCSON, AZ 85713-4884
Date: May 5, 2010

██████████
██████████
██████████

This is a receipt to show that you applied for a Social Security card on May 5, 2010. You should have your card in about 2 weeks. Any document(s) you have submitted are being returned to you with this receipt.

If you do not receive your Social Security card within 2 weeks, please let us know. You may call, write or visit any Social Security office. If you visit an office, please bring this receipt with you. To protect your privacy, we will not disclose a Social Security number over the telephone.

The Social Security Administration is required by law to limit replacement Social Security cards to three per year and ten per lifetime. Do not carry your Social Security card with you. Keep it in a safe location, not in your wallet.

Field Office Manager

Exhibit 2

*** ██████████ 123810 ██████████ PGEZ CIPQYAB PQAB (F-PGE) ***

NUM1 DTE:05/05/10 SSN: ██████████ XC: UNIT:RIV PG:001

SOCIAL SECURITY ADMINISTRATION
SOCIAL SECURITY NUMBER PRINTOUT

OUR RECORDS INDICATE THAT SOCIAL SECURITY NUMBER ██████████
IS ASSIGNED TO ██████████ , ██████████ , ██████████ .

YOUR SOCIAL SECURITY CARD IS THE OFFICIAL VERIFICATION OF YOUR SOCIAL SECURITY NUMBER. THIS PRINTOUT DOES NOT VERIFY YOUR RIGHT TO WORK IN THE UNITED STATES.

PROTECT YOUR SOCIAL SECURITY NUMBER FROM FRAUD AND IDENTITY THEFT. BE CAREFUL WHO YOU SHARE YOUR NUMBER WITH.

Social Security Admin
88 W 38th St Ste 100
Tucson, AZ 85713