

HR/LR Procedure #1404P
Employment Eligibility Verification: I-9 Audits

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Authority	Enterprise Human Resources

GENERAL PROCEDURES AND INSTRUCTIONS

I. AGENCY I-9 AUDITS AND CORRECTING ERRORS

Agencies should regularly audit their practices and records to verify that all necessary I-9 forms are on file and properly completed and to identify any problems to be addressed with staff responsible for I-9 completion. Curable errors found during the audit must be corrected. This procedure provides instructions for agency HR staff conducting audits of I-9 forms.

II. I-9 AUDIT PROCEDURE

Step 1: Obtain a complete employee roster of current employees, including those on leave and terminated employees. Obtain I-9 forms for all current employees, including those on leave and terminated employees. All I-9 forms must be stored so that an agency could produce them within three days in the event of a compliance review.

Step 2: Compare all I-9 forms to the employee rosters. All employees hired or rehired on or after November 6, 1986 should have an I-9 on file.

If no I-9 is located for an employee, note this on the roster for corrective action. See Section III for information relating to corrective action.

Step 3: Inspect Sections 1 and 2 of all I-9 forms to ensure that they are completed properly. Section 3 should only be completed for changes, employment re-verification, and rehires.

If an error is noted in Section 1, have the employee insert the correct information and date and initial the I-9 using the date corrected. If Section 2 contains errors, provide the correct information and date and initial the I-9 using the date corrected.

Step 4: Ensure that all information is current and that employment authorization is still valid. If an error exists, or if re-verification is necessary due to expiring documents, enter this information in Section 3 and date with the date the changes or re-verification was entered. Do not backdate. Always confirm re-verification with the employee and always view the updated eligibility documents when completing Section 3.

Step 5: For terminated employees, purge all I-9 forms which are beyond 3 years from the date of hire, according to the agency's record retention schedule, or one year from the date of termination, whichever is later. Retain record of purged I-9s with the date of purging.

Step 6: Ensure that agency I-9 policies and procedures are being followed. Consider:

- Whether a written policy and procedure is in place;

- Whether a formal audit system is in place;
- Whether a system is in place to track expiration of employment eligibility and follow up with employees;
- Whether I-9 forms are properly stored;
- Whether a system is in place to track retention and purge I-9s of terminated employees;
- Whether agency representatives are properly trained to complete I-9s;
- Whether agencies with multiple locations properly communicate procedures and requirements to all branches and whether branches are able to forward I-9 forms to central HR for review and storage, or if another system is in place.

If an agency finds itself deficient in these areas, it should take steps to correct such problems.

III. CORRECTING I-9 ERRORS

When correcting an error to an I-9, changes should include a reason and be initialed and dated. Use the date the correction is made. Do not backdate.

Scenario 1: No I-9 on file for a current employee. Ensure that the employee and an employer representative complete a current version of the Form I-9, using the date this is accomplished. Indicate on the form why it was not prepared within required timeframes.

Scenario 2: Errors in section 1. If the employee did not complete part of the form, if the employee's signature and/or date is missing, or if the employee did not check the "attest" box: Have the employee complete the missing information. The employee should initial next to his or her correction, and date with the date of the correction.

Scenario 3: Errors in section 2. If part of this section is incomplete, insert the necessary information with your initials and the date of correction. If the employment begin date is missing, insert the most recent hire date for state service.

Scenario 4: Problems with verification documents. If a problem exists with the verification documents, for example, the identity or work authorization document is missing or the documents are both from the same list, secure the proper documentation from the employee and record it correctly on the I-9. Add your initials and the current date. If verification documents are not listed in the correct columns, indicate the proper placement with arrows, then add your initials and the current date.

Scenario 5: Expiring or expired work authorization. If work authorization will be expiring soon, send notice to the employee that they must provide updated work authorization documents. The notice should be sent out 6 months prior to expiration and again three months prior to expiration. Secure a current, valid document from the employee. Complete Section 3 on the present version of the Form I-9 using the date this is accomplished. If the work authorization expired and this was not completed on time, indicate on the form why it was not done within required timeframes.

Scenario 6: Errors in Section 3. If information is incomplete or erroneous in Section 3, insert the correct information and add your initials and the current date. If the date the employee was rehired is missing in Section 3, insert the date of rehire. Add your initials and the current date.

Scenario 7: Employer representative signature and/or date is missing in Section 2 and/or 3. If the signature is missing, request the documents from the employee again. Remember that you are signing under penalty of perjury that you personally viewed and verified the original documents. Add your initials and the current date.

Do not backdate. If the date of the employer representative's original signature is missing, add the current date with your initials, and a notation explaining the discrepancy.

FORMS AND SUPPLEMENTS

Contacts	Enterprise Human Resources
References	HR/LR Policy #1404, Employment Eligibility Verification