



I-9 Compliance

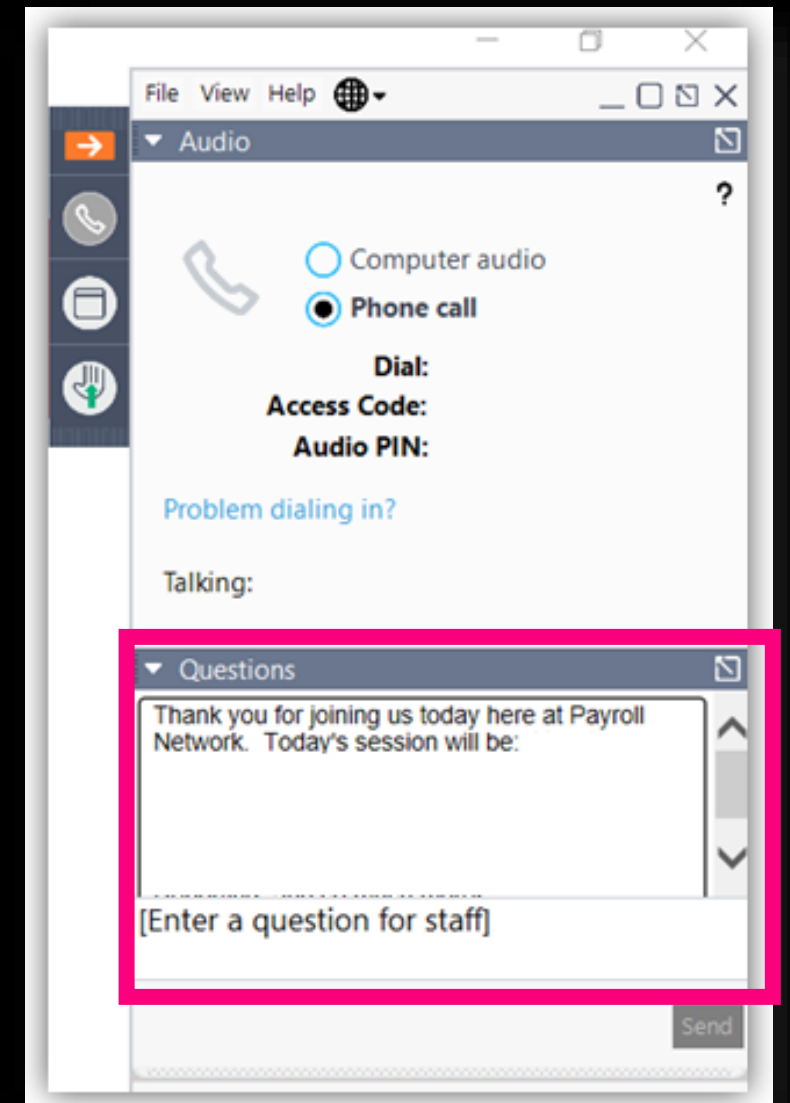
2/9/2022



- Webinar will be recorded
- All attendees will be placed on mute
- Ask questions!
- Survey will be sent after the webinar
- Handouts available



For Today's Session



Your Presenter's Today



Amy Miller

- VP of Training
- Payroll Network/GovConPay



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- VP of HR Services
- Payroll Network/GovConPay



Legal Disclaimer

The information presented today is provided for educational purposes and should not be considered legal advice.

The presentation and these materials do not represent the opinions of the presenter and those of Payroll Network.

I-9 Compliance Impacting You



- Review I-9 Basics
- Highlight Responsibilities and Best Practices
- Discuss Auditing Specifics
- Examine How We Can Help
- Resources Available to You

Agenda



Poll:

**Do you have a formal
I-9 verification and
retention process
today?**



Who's Who

Governing Bodies

- **USCIS** – U.S. Citizenship and Immigration Services
- **ICE** – Immigration and Customs Enforcement
- **HSI** – Homeland Security Investigations

What does Form I-9 do?

- Form I-9 requires employers to verify that each employee hired is eligible and legally authorized to work in the U.S.
- The form also asks for identification for all employees. This requirement applies to both U.S. citizens and noncitizens.

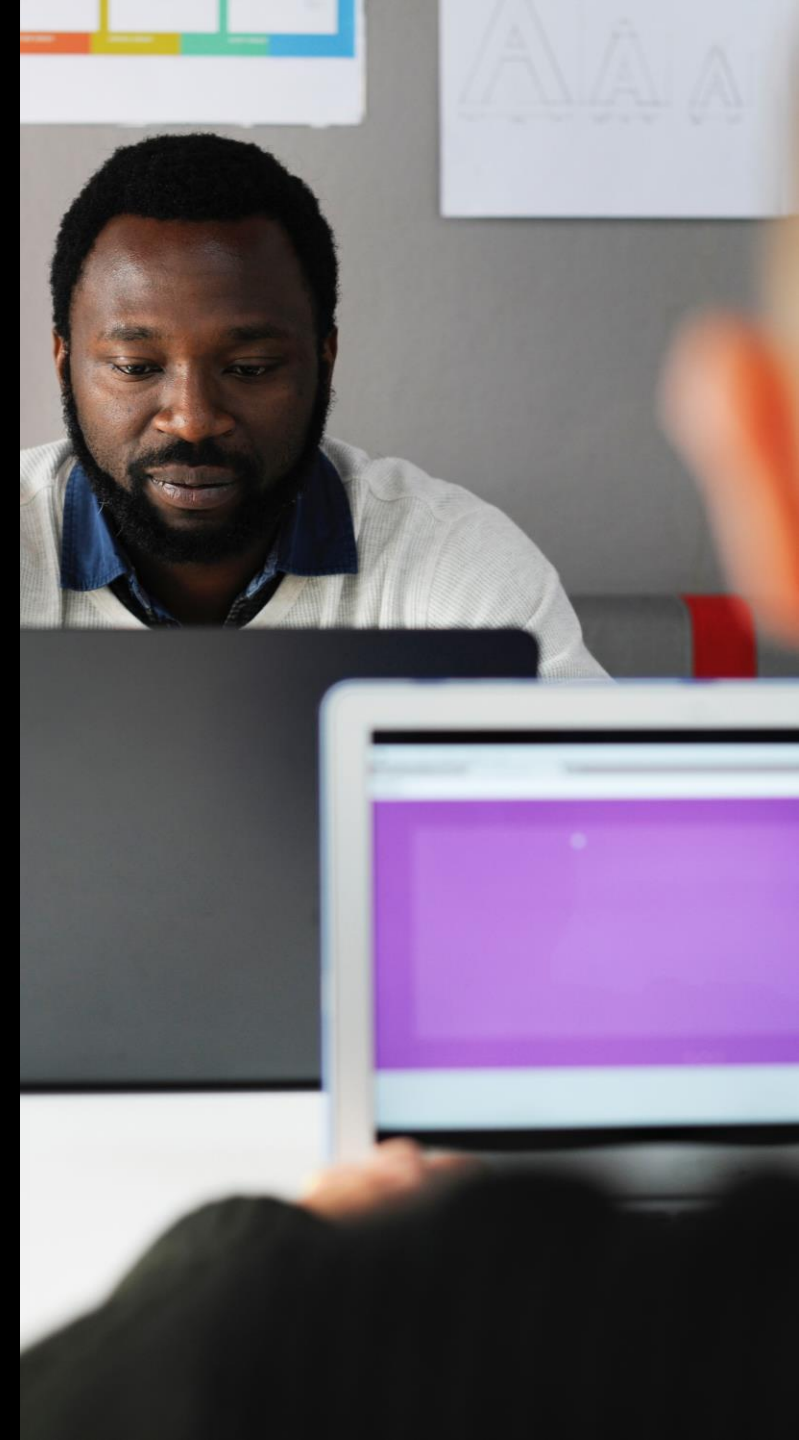
All US Employers must have an I-9 for all current employees hired after Nov 6th 1986.

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

Who is responsible to complete?

There are two sections on Form I-9:

- Section 1: The employee completes with their personal information on or before day 1 of being hired.
- Section 2: The employer is responsible to complete and date the I-9 information within three business days of hiring the employee.



What are the applicable documents?

- **Form I-9's List A confirms both identity and eligibility (or)**
- **If an employee doesn't have an item from List A, he or she must provide one item from both List B and List C.**

List A examples: U.S. Passport, Permanent Resident Card (Form I-551), Foreign Passport with a temporary I-551 stamp

List B examples: Driver's License, Military ID, Voter Registration Card

List C examples: Social Security Card, Certification of Birth Abroad, Native American Tribal Document, Employment Authorization Document issued by the Department of Homeland Security

Remote Best Practices



Best Practices

- Important: The 3-day rule still applies.
- Employee still needs to complete the Section 1 of the I-9.
- Employers must use a *trusted agent or representative* to validate the I-9 to aid in completing Section 2.
 - Notary, Staffing Agency, Personnel Officers, Attorney, Agents, HR Colleague
 - Certain States have restrictions on who can complete the verification (e.g. California)

Remote Best Practices

DHS Extends Form I-9 Requirement Flexibility (Effective January 1, 2022)

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) announced an extension of the flexibility in complying with requirements related to Form I-9, Employment Eligibility Verification, due to COVID-19.

This temporary guidance was set to expire Dec. 31, 2021. Because of ongoing precautions related to COVID-19, [DHS has extended the Form I-9 requirement flexibility policy until April 30, 2022](#).

[See the original news release from March 20, 2020](#) for more information on how to obtain, remotely inspect, and retain copies of the identity and employment eligibility documents to complete Section 2 of Form I-9. Please also consult ICE's guidance for clarification on this provision.

Employers must monitor the [DHS](#) and [ICE's Workforce Enforcement announcements](#) about when the extensions end and normal operations resume.

E-Verify participants who meet the criteria and choose the remote inspection option should continue to follow current guidance and create cases for their new hires within three business days from the date of hire. Please see [COVID-19 webpage](#) for more information.

I-9 Retention

Who needs an I-9 and how long?

- Current employees should always have a Form I-9 on file.
- Once terminated, you need to calculate the retention requirements:
 - 3 years from Hire Date (or)
 - 1 year after Termination Date

The latter of the
two dates



Common Mistakes

Where did I go wrong?



- Do not file Form I-9 with the government.
- Make sure you are using the most current form: Rev. 10/21/2019
- Do not ask for TOO much documentation or specific documentation
 - Form A OR Form B / C
- Form I-9 cannot be utilized in any capacity prior to making a job offer to a potential employee.
- HR must make sure both the employee and employer have dated the documents.
- Failure to reverify

<https://www.uscis.gov/i-9-central/retain-store-form-i-9/retaining-form-i-9>

What if I find a mistake?

Steps to take:

- Corrections must be made.
- Draw line through incorrect information, and then update and initial/date it.
 - HR/Employer should never update Section 1 (Employee must)
- If you fill out a new I-9 due to corrections, keep with old one and also place detailed memo of the correction reasons.
- If you are missing one:
 - Immediately complete the form
 - Do not backdate the form

Why is
I-9 Compliance
even more important?



Chicago staffing company executive sentenced for assisting in hiring noncitizens

March 1, 2021 | Labor Exploitation

...ed 2,738 NOIs and made 32 arrests.
... 540 NOIs and made 61

Sergio Badani, 51, of St. Charles, Illinois, was sentenced by U.S. District Judge Sara L. Ellis...
count of conspiracy to commit harboring for purposes of commercial...
previously pleaded guilty to the charge...

JANUARY 18, 2022 • COVINGTON, KY • LABOR EXPLOITATION

ICE HSI investigation leads to conviction for harboring undocumented workers

The largest penalties ever handed out by ICE amounted to an eye-popping
\$95 million against a company who knowingly accepted falsified documents
from... immigrants.

Managers, supervisors, human resource personnel indicted for crimes stemming from the largest single-state worksite enforcement

August 6, 2020 | Labor Exploitation

...enforcement (ICE) Homeland Security
largest civil settlement agreement ever levied

This was the largest single-state worksite enforcement operation in our nation's history, resulting in the detention of 680 illegal aliens
and the prosecution of 119 illegal aliens for stealing the identities of American citizens, falsifying immigration documents,
fraudulently claiming to be U.S. citizens, and illegal re-entering the country after being deported, among other...

What are the penalties?

- Monetary Fines
- Deportation
- Criminal Arrests
- Barred from Government Contracts



Penalty Considerations

Factors:

- Size of the business
- Good faith effort to comply
- Seriousness of the violation
- Involvement of unauthorized workers
- History of previous violations



Poll:

**In the event of an audit –
how quickly must you
respond to the NOI (Notice
of Inspection) if you are
audited?**

What does the audit process look like?

Process

- Employers will generally receive a written Notice of Inspection (NOI) at least 3 days before the inspection.
- You may have your inspection in one of two places:
 - The location where I-9 information is stored
 - U.S. Immigration and Custom Enforcement field office

<https://www.ice.gov/factsheets/i9-inspection>



What will you need to provide?

Obligations

- Retrieve and reproduce paper or electronically stored Form I-9's and any other documents the officer requests;
- Provide the officer with the necessary hardware and software to inspect electronic documents; and
- Provide the officer with any existing electronic summary of the information recorded on the employer's Form I-9.



Poll: True or False

**I can pick and choose
which employees I retain
copies of their supporting
documents for the Form I-9.**

What will you need to provide?

- Employers are in most cases *not required* to create or attach photocopies of documentation submitted to satisfy Form I-9 requirements during the employment eligibility verification process, but the practice is permissible.



Important: If a client is utilizing the E-Verify system and/or works as a Federal Contractor, photos will have to be kept on file to compare with the E-Verify system.



How Payroll Network can help?

- Automate the Process
- Streamline Verification
- Structure Compliance

Features

- **Onboarding**
- **Employee Self Service**



The Onboarding Process

Gathering I-9 Information

- Step 1:
 - Create the Onboarding Template
 - Client Management > Onboarding Templates
- Step 2:
 - Initiate the Onboarding of your new employee
 - Employee Management > Initiate New Hire Onboarding

Streamlining the Process

Onboarding New Hire Notification › Employee

Hello Finn,

Welcome to **Accurate Payroll Inc** and congratulations on your new position. Your next step is to electronically complete new hire paperwork. To get started, you can set up your account using the link provided below and the system will guide you through the process.

URL: <https://payrollnetwork.myisolved.com//AuthenticateUser.aspx?ticket=aa57534e-fee9-4151-93d3-d29ebeba3483&eid=0&peid=46706&>

You can expect the process to take an average of 10-25 minutes. If you are unable to complete the process in one session, you can access your account at any time by selecting the link provided above and using the credentials you established during the initial setup.

The Accurate Payroll Inc Team

The Electronic Signature

Terms of Use and Consent to Electronic Communications and Electronic Signatures

1. Electronic Delivery of Communications and Use of Electronic Signatures

By selecting the "I Accept" button, you are signifying your intent to sign this Agreement electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Agreement and any associated documents. By selecting "I Accept" you consent to be legally bound by this Agreement's terms and conditions. You further agree that your use of a key pad, mouse or other device to select an item, button, icon or similar act/action, or in accessing or making any transaction regarding any agreement, acknowledgement, consent terms, disclosures or conditions constitutes your signature (hereafter referred to as "E-Signature"), acceptance and agreement as if actually signed by you in writing. You also agree that no certification authority or other third-party verification is necessary to validate your E-Signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of your E-Signature or any resulting contract between you and

I Accept

I Decline

The Onboarding Wizard

Onboarding Wizard

← Previous → Next

Welcome

Name and Address

Personal and Contact Informat...

EEO Self-Identification

Form I-9 Certification 1

Tax Information

Employee Contacts

Direct Deposit

Confirmation Statement

Form I-9 Certification

Employee Information and Attestation

Read Instructions carefully before completing this form. [Click here to view the Instructions for Employment Eligibility Verification and Form I-9.](#)

*Last Name (Family Name) ⓘ *Date of Birth (mm/dd/yyyy) 📅

*First Name (Given Name)

Middle Initial

Other Last Names Used (if any)

*Address (Street Number and Name)

Apt. Number

*City or Town

*State

*ZIP Code

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form. I attest, under penalty of perjury, that I am (check one of the following):

*Signature of Employee

I acknowledge that I have read and understand the following attestation statement:

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form. I attest, under penalty of perjury, I am a citizen of the United States.

I have agreed to the Terms of Use and Consent to Electronic Signature. I certify the terms and conditions of the agreement are still in effect. I acknowledge I am electronically signing my Form I-9.

Acknowledge Cancel

Employer or Authorized Representative Verification

Employee has electronically completed Section 1 of the form I-9 Employment Eligibility Verification. [Click here](#) for form I-9 instructions.

Reverification

There are no I-9 reverification records completed for this employee.

I-9 Information

I-9 Completed

I-9 Completed Date: 10/15/2021

*Citizenship: 1. A citizen of the United States

List A

Identity and Employment Authorization

#I-9 Document Title: [dropdown]

*Issuing Authority: [text box]

Document Number: [text box]

Expiration Date (mm/dd/yyyy): [calendar]



List B

Identity

#I-9 Document Title: [dropdown]

Issuing Authority: [text box]

Document Number: [text box]

Expiration Date(if any)(mm/dd/yyyy): [calendar]

AND

List C

Employment Authorization

#I-9 Document Title: [dropdown]

Issuing Authority: [text box]

Document Number: [text box]

Expiration Date (if any)(mm/dd/yyyy): [calendar]

Document Attachment

Description: [text box]

Upload File: [file upload]

Document Attachment

Description: [text box]

Upload File: [file upload]

Document Attachment

Description: [text box]

Upload File: [file upload]

Certification

I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): 10/15/2021

Signature of Employer or Authorized Representative: [text box]

Today's Date (mm/dd/yyyy): 10/15/2021

Title of Employer or Authorized Representative: [text box]

Last Name of Employer or Authorized Representative: [text box]

First Name of Employer or Authorized Representative: [text box]

Employer's Business or Organization Name: Accurate Payroll Inc

Employer's Business or Organization Address (Street Number and Name): 123 Anywhere Street

Address Line 2: [text box]

City or Town: Fairfield Park

State: OH

ZIP Code: 44126

Reporting on I-9

NEW! Employee Analytics Dashboards

Search the menu

EMPLOYEE MANAGEMENT

EMPLOYEE ADMIN TOOLS

- Employee Administration >
- Employee Analytics ▾
 - Anniversaries
 - Birthdays
 - Completed Workflow
 - Electronic Elections
 - Emergency Contacts
 - Employee Salary/Hourly Rate List
 - Hires and Terms
 - I-9 Audit**
 - Managerial Assignments
- Employee Utilities >

I-9 Audit isolated University Help

I-9 Completions

Hire Date within: 4 employees in list

▾ Expand All Groups ▴ Collapse All Groups ↺ Clear Grouping/Filters

Drag a column header here to group by that column

Legal Name ▾	Employee Name ▾	Employee ID ▾	Work Location ▾	Hire Date ▾	EE I-9 Completed ▾	ER I-9 Completed ▾	I-9 Reverification ▾	I-9 Completion St... ▾
Accurate Payroll Inc	Sue Jones	1271	Batesville, IN	10/6/2021				Overdue
Accurate Payroll Inc	Susie Smith	1273	Rockville, MD	10/7/2021				Overdue
Accurate Payroll Inc	Jenny Jones	1272	SAN ANTONIO, TX	10/7/2021				Overdue
Accurate Payroll Inc	Finn b Onboard	1274	Rockville, MD	10/15/2021		10/15/2021		Due Now

Reporting on I-9

Client Reports

Report Category:

Search:

≡ Output Name

≡ Report Type

Company I-9 Report

Date Range

Employee I-9 Verification

Date Range

Report Details

Employee I-9 Verification

- Format: PDF or Excel
- Name
- Location
- Manager
- Supervisor
- Original Hire Date
- Rehire Date
- EE Submission Date
- ER Completion Date
- Completion Status

Company I-9 Report

- Format: PDF
- Name
- Address
- Date of Birth
- SSN
- Citizenship / Work Authorization
- Documentation Details
- Authorization Representative
- Employment Date
- Employer Name / Address
- Authorization Date

I-9 Reports



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 08/31/2019

Client ID: A1789 - Company Inc
Pay Group: ALL
Run Date: 1/23/2019 4:26:49 PM

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name) Test		First Name (Given Name) Rebecca		Middle Initial M	Other Last Names Used (if any) N/A	
Address (Street Number and Name) 2092 Gaither Road			Apt. Number N/A	City or Town Rockville		State MD
Date of Birth (mm/dd/yyyy) 05/17/1989		U.S. Social Security Number 4444 - 44 - 444444		Employee's E-mail Address N/A		Employee's Telephone Number (301) 339 - 3000

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

1. A citizen of the United States

2. A noncitizen national of the United States (See instructions)

3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____

4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____
 Some aliens may write "N/A" in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
 An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____
OR
 2. Form I-94 Admission Number: _____
OR
 3. Foreign Passport Number: _____
 Country of Issuance: _____

QR Code - Section 1
 Do Not Write In This Space

Signature of Employee Rebecca M. Test Today's Date (mm/dd/yyyy) 05/29/2018

Name	Work Location
Test, Leslie M	ROCKVILLE, MD
Test, Liz M	ROCKVILLE, MD
Test, Lydia M	ROCKVILLE, MD
Test, Marsha M	ROCKVILLE, MD
Test, Rebecca M	ROCKVILLE, MD
Test, Veronica M	ROCKVILLE, MD

Status: ALL
From: 01/01/2015
To: 01/25/2019

ion	ER Completion Date	Completion Status
	7/23/2018	Completed Timely
	6/14/2018	Completed Timely
	6/15/2018	Completed Timely
	5/23/2018	Completed Timely
	5/29/2018	Completed Timely
	6/14/2018	Completed Timely

Electronic Storage

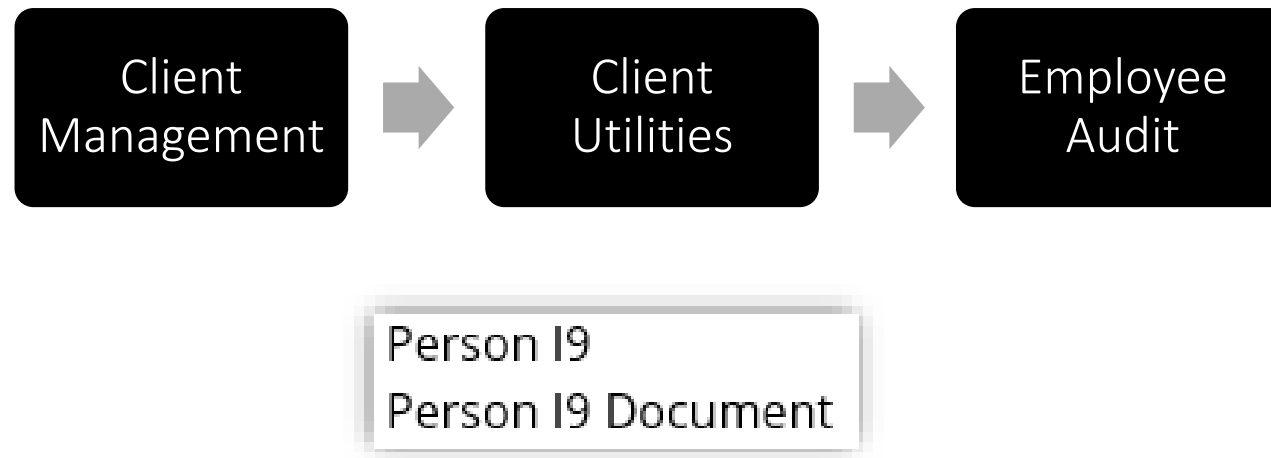
Storing Form I-9 Electronically

- Include controls to:
 - detect and prevent the unauthorized or accidental creation of, addition to, alteration of, deletion of or deterioration of an electronically completed stored Form I-9, including the electronic signature, if used.
 - ensure the integrity, accuracy and reliability of the electronic generation storage system.
 - ensure an audit trail so that **any** alteration is captured.
- Include an inspection and quality assurance program
- Include a detailed index of all data for quick accessibility
- Produce a high degree of legibility and readability

I-9 Audit Tool

Guidelines of the Electronic Storage include

- Controls to ensure an audit trail so that any alteration or change to the form since its creation is electronically stored and can be accessed by inspectors.



Poll:

**How long should I
retain the I-9
information?**

The Results of the Audit

ICE will notify the audited party, in writing, of the results of the inspection once completed.

- **Notice of Inspection Results** – also known as a "compliance letter," used to notify a business that they were found to be in compliance.
- **Notice of Suspect Documents** – advises the employer that based on a review of the Forms I-9 and documentation submitted by the employee, ICE has determined that an employee is unauthorized to work and advises the employer of the possible criminal and civil penalties for continuing to employ that individual.
- **Notice of Discrepancies** – advises the employer that based on a review of the Forms I-9 and documentation submitted by the employee, ICE has been unable to determine their work eligibility.
- **Notice of Technical or Procedural Failures** – identifies technical violations identified during the inspection and gives the employer ten business days to correct the forms.
- **Warning Notice** – issued in circumstances where substantive verification violations were identified, but circumstances do not warrant a monetary penalty and there is the expectation of future compliance by the employer.
- **Notice of Intent to Fine (NIF)** – may be issued for substantive, uncorrected technical, knowingly hire and continuing to employ violations.

I-9 Resources

IRS

www.uscis.gov

www.ice.gov

<https://www.ice.gov/factsheets/i9-inspection>

Webinar Resources/iSolved University & Help:

i-9 Audit

i-9 Dashboard

i-9 Verification

Attached as handouts

Payroll Network Support:

support@payrollnetwork.com / 301.339.6000



Thank you!

Reminder: We want your feedback.
You will be receiving a post Webinar Survey.



Continue to visit our website for training/blog posts/webinars, etc.

payrollnetwork.com

support@payrollnetwork.com

hradvisor@payrollnetwork.com



