

City of Minneapolis I-9 Resource Guide (Updated 04.18.2016)

Purpose:

The purpose of this Resource Guide is to:

1. Ensure compliance with the Immigration Reform and Control Act of 1986.
2. Ensure consistent and accurate application of the I-9 regulations across the City.
3. Maintain a fair and legal work environment for employees.

History:

The Immigration Reform and Control Act of 1986 (IRCA) as amended requires that all employees of the City of Minneapolis hired after November 7, 1986 show proof of eligibility to work in the United States. IRCA was enacted as an attempt to preserve the tradition of legal immigration while seeking to close the door to illegal entry.

IRCA prohibits employers from engaging in discriminatory acts such as refusing to hire someone based on their national origin, refusing to accept certain documents or demanding to see certain documents in the verification process, and/or refusing to hire someone based on their citizenship or immigration status.

IRCA is administered and enforced by the United States Citizenship and Immigration Services (USCIS) of the US Department of Homeland Security. These agencies have the ability to levy substantial fines on the employer for incomplete forms or errors on the I-9 form itself, incorrect file maintenance and retention, accepting fraudulent documents, discrimination based on I-9 information, and/or knowingly employing unauthorized individuals to name a few.

Roles & Responsibilities:

Employees with the City play important roles to ensure compliance with the I-9 regulations. City employees must perform the responsibilities as outlined below in accordance with these guidelines. This process applies to all positions under the jurisdiction of the Mayor and City Council.

Role	Responsibility
Department I-9 Verifier	<ol style="list-style-type: none"> 1. Understands I-9 guidelines. 2. Knowledgeable on I-9 management system and e-Verify website procedures. 3. Reviews employee's completed Section 1 of the electronic I-9 online at www.newI9.com after accepting a job offer or on or before their first day of work. 4. Verify an employee's documents that prove eligibility to work in the United States. 5. Complete Section 2 of the electronic I-9 form within 3 days of hire at www.I9express.com 6. Notifies HR Generalist of employee unauthorized to work. Re-verifies eligibility to work in the United States if necessary in Section 3. 7. Add comments to the I-9 if needed. 8. Notifies the I-9 Administrator of employees who termed before completing the I-9. 9. Attends I-9 training.
Employee	<ol style="list-style-type: none"> 1. Complete Section 1 of the electronic I-9 form at www.newI9.com. 2. Provide documents on 1st day or within 3 days of hire date, that verify eligibility to work in the United States. 3. Provide follow-up documentation if eligibility to work status changes.
HR I-9 System Administrator	<ol style="list-style-type: none"> 1. Maintain record retention of the paper I-9 files in HR. prior to implementation of electronic I-9 system (7/1/2013) according to record retention policies and federal standards. 2. Audit and verify that all I-9s are completed timely and are compliance with federal regulations. 3. Assist and consult with Department I-9 Verifiers. 4. Train verifiers on system and process. 5. Setup system security. 6. Troubleshoot and problem solve system issues and unresolved or pending I-9s. 7. Process employees who have terminated before completing the I-9. 8. Add, edit or change employees' termination date. 9. Invalid duplicate I-9s with inaccurate SSNs.
Human Resources Generalist	<ol style="list-style-type: none"> 1. Manage the staffing related services being delivered to assigned customer departments. 2. Provide advice and counsel hiring authorities on the I-9 process and re-verification process. 3. Partner with HRTS to ensure departments comply with the law

City of Minneapolis I-9 Resource Guide

	4. Notifies HRTS Benefits if a department I-9 verifier has a job change; leaves the department, out on leave, or terminates employment.
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Employee Rights/Responsibilities:

An employee has the right to choose which documents they provide to verify their eligibility to work in the United States per the list provided in Section 1 of the electronic I-9.

An employer may not discriminate against an employee based on information obtained on the I-9 form.

Failure to submit the I-9 form and required documentation will sever the employment relationship.

It is the employee's responsibility to present work authorization documentation to the Hiring Manager on or before their first day of work.

It is the employee's responsibility to present updated work authorization documentation to the Hiring Manager on or before the date the current authorization expires. The Bureau of USCIS recommends that employees apply, through the appropriate agency, for new work authorization at least 90 days before the current expiration date.

Frequency:

The electronic I-9 Form needs to be completed once at the beginning of employment with the City unless re-verification is required.

Rehires:

Rehires need to complete the I-9 process.

Re-verification:

Department I-9 Verifiers will send a reminder of re-verification to the Hiring Manager, if known, or the Human Resources Generalist, if Hiring Manager is unknown, when a temporary work authorization approaches the expiration date.

It is NOT necessary to re-verify United States Passports or Permanent Resident Alien Card (i.e. "green cards").

Records Retention (paper records only):

Paper records of the I-9 Form prior to implementation of the electronic are retained with HRTS in Central Human Resources. The records are kept in a separate location outside of service files, medical files and any other files maintained by the department. Electronic retention is automatic with the I-9 electronic system. At no time should a record be printed and filed with any personnel or medical file. Retention for these documents is for one year from the date of termination or three years from the original date of employment, whichever is longer. (Meaning all current and active employees must have a form on file with the City.)

Compliance:

An electronic I-9 form needs to be completed on:

1. All employees who are paid through the City of Minneapolis payroll system including full time, part time, intermittent, seasonal, or temporary employees.
2. Employees who transfer from one board or agency (i.e. change salary authorities).

An electronic I-9 form does NOT need to be completed on:

1. Independent contractors
2. People paid through a third party vendor/contractor
3. Employees hired before November 6, 1986 who has been continuously employed with the City

Section 1 of the electronic I-9 form must be completed by the employee on or before their first day of work. Section 2 must be completed by the department I-9 Verifier on or before the third day of work.

City of Minneapolis I-9 Resource Guide

Original documents must be viewed by the person verifying the eligibility to work. If an employee has agreed to complete their new hire paper work BEFORE they begin employment, they are not allowed to fax copies of their I-9 documents. Original documents must be seen in person by the City representative verifying the document for the I-9 to be valid.

An electronic I-9 form should never be backdated. The date the actual documentation was verified or re-verified should be recorded on the electronic form.

If an employee uses more than one document from one column, all document numbers and expiration dates must be listed. For example, an employee shows an unexpired passport with an unexpired Form I-94; both should be listed in Column A of the I-9 form.

The Social Security field of the I-9 form is NOT required to be completed.

If a terminated employee is rehired, complete a new I-9.

If the employee does not present the required documents within three (3) business days of the date employment begins, that employee must present a receipt within 3 business days. The person then must present the actual document when the receipt period ends. If the receipt period ends and the employee failed to present the actual document, the I-9 Administrator notifies the hiring department and the HR Generalist that the employee is not allowed to continue to work and be on the City of Minneapolis payroll. The employee should be terminated in the Comet system.

If proper documentation is not verified, the employee is not eligible to work for the City. The department I-9 Verifier will contact the Hiring Manager.

Receipt Rule:

In some instances, receipts may be used in lieu of original documents. Receipts must fit the descriptions listed below and does NOT mean a copy of an original document. Receipts may be used when:

1. An individual's document has been lost, stolen or damaged and a receipt for a replacement document has been received. The original replacement document must be presented to the employer within 90 days from the date of hire.
2. No expiration date is indicated on an I-94 document with an I-551 stamp. A receipt may be accepted for one year from the date the I-94 was issued and then a Resident Alien Card (I-551) must be presented to the employer.
3. An individual shows an I-94 with a refugee admission stamp that references Section 207 of the Immigration and Nationality Act (INA) rather than stating "refugee". A receipt is acceptable for 90 days and then an individual must present an unrestricted Social Security Card.

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

Potential Sanctions:

If an employee's documentation expires, they are no longer eligible to work for the City.

Any fines given to the City of Minneapolis will be the responsibility of the employing department to be paid.

The person who verifies and signs the I-9 form may be held personally liable for errors and could be subject to disciplinary action for non-compliance.

City of Minneapolis I-9 Resource Guide

Frequently Asked Questions:

- 1. What should I do when the names on the documentation provided do not match? (Example: Social Security card has birth name but drivers license has married name.)**

You should offer the employee a chance to submit other documentation within the time limitations that has the correct legal name listed. If they are unable to provide the documentation, the employee should not begin work. The name as it appears on the employee's Social Security card will be what is entered into the Comet system.

- 2. Must I sever employment of an employee who fails to produce the required documents within three business days?**

Yes. This practice must be done uniformly across the City.

- 3. Can I put an employee on a Leave of Absence (LOA) until they provide the documentation to complete the I-9 form?**

No. You may not put a potential employee on a LOA until the proper documentation is provided. The employee must be separated from City service. The person may reapply or request reinstatement when that person has proper work authorization.

- 4. What is my responsibility concerning the authenticity of documents presented to me?**

You must examine the documents and if they reasonably appear on their face to be genuine and to relate to the individual presenting them, you must accept them.

- 5. May I accept a photocopy of a document presented by an employee?**

No. Employees must present original documents in person. The only exceptions are an employee may present a certified copy of a birth certificate or may follow the receipt rules listed above.

- 6. If the documents presented by the employee are not on the USCIS's list of acceptable documents, should I tell that employee which documents to present?**

No. You may show the employee the list printed on the back of the I-9 form, but the employee chooses which documents to offer as authorization to work.

Helpful Links: <http://wcms/intranet/hr/hiring/after/WCMS1P-141953>

- 1. Employer I-9 Handbook:** <https://www.uscis.gov/sites/default/files/files/form/m-274.pdf>
- 2. I-9 Management User Manual**
- 3. I-9 Instructions & Form**