

The *Haywood County* school system uses E-verify to electronically verify the identity and work eligibility of new employees as required by G.S. 126-7.1(i). E-Verify is an Internet-based system operated by the U.S. Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). E-Verify works by electronically comparing the information from an employee's Form I-9 with records available to SSA and DHS to verify the identity and employment eligibility of each newly hired employee.

E-Verify must be used in a manner that is nondiscriminatory and protective of employee privacy.

**I. AUTHORIZED USERS OF THE E-VERIFY SYSTEM**

**A. Designation of Authorized Users**

The superintendent or designee has designated the director of human resources/ as the E-Verify program administrator. The program administrator may designate one or more employees to access and register in the E-Verify system ("authorized users"). The program administrator and other registered authorized users, if any, are the only employees authorized to access the E-Verify system on behalf of the school system. Authorized users must safeguard their E-Verify login information and never allow unauthorized personnel to conduct E-Verify queries.

**B. Consequences for Accessing E-Verify Without Authorization**

Any employee who accesses the E-Verify system without authorization of the E-Verify program administrator or who aids or permits another person to access the E-Verify system without proper authorization will be subject to disciplinary action up to and including dismissal.

**C. Conditions for Use of E-Verify by Authorized Users**

All E-Verify users must follow all guidelines set forth in the Memorandum of Understanding between the school system and DHS/SSA and in the *E-Verify User Manual*, located at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify). In addition, new authorized users must complete the E-Verify tutorial and pass the knowledge test on the website before using the E-Verify system. Existing users must take refresher tutorials when notified to do so by the E-Verify system.

**II. USE OF E-VERIFY**

**A. Responsibilities of the E-Verify Program Administrator**

As the E-Verify program administrator, the director of human resources shall be responsible for complying with all federal requirements for the use of E-Verify and shall ensure the following.

1. E-Verify is used only to verify identity and employment eligibility of new employees.
2. E-Verify is used to verify every new hire, without exception.
3. An E-Verify query is made only after the prospective employee has accepted an offer of employment.
4. E-Verify is not used to prescreen applicants or for any other improper purpose.
5. All requirements for posting notice of E-Verify participation and employee privacy and nondiscrimination rights are followed.
6. Authorized users are familiar with and comply with all program rules and employer responsibilities.
7. Employee information is stored in a safe and secure location, and only authorized employees have access to this information.
8. E-Verify is not used to discriminate against any job applicant or new hire based on his or her national origin, citizenship, or immigration status.

**B. Procedure for Examination of Employment Eligibility Documents (Form I-9)**

The required use of E-Verify is in addition to, and does not replace, the obligation to obtain a completed employment eligibility Form I-9 from each new employee hired after November 6, 1986, as required by federal law. All prospective employees, both U.S. citizens and foreign nationals, must establish their eligibility for employment in the United States by completing the Form I-9, which is the first step in the E-Verify process.

Designated employees in the human resources department (“HR representatives”) are responsible for certifying the employment eligibility of all new employees on the Form I-9 within three (3) business days of the employee’s first day of work for pay. The I-9 must be completed in accordance with all federal requirements.

1. Do not request documentation for the I-9 until an offer of employment is made and accepted by the candidate.
2. Use only the most current paper or electronic version of the I-9 form.

3. Refer to the form instructions and/or the *Handbook for Employers: Guidance for Completing Form I-9*, available at <https://www.uscis.gov/i-9-central>, for guidance on completing the form.
4. Have the employee complete Section 1 of the I-9 on the date of hire, i.e., the first day of work for pay. Alternately, the employee may complete Section 1 before this date, but not before the employee has accepted the offer of employment.
5. Verify that the employee fully and properly completed Section 1, including providing his or her social security number.
6. The employee chooses which acceptable document(s), as specified on the I-9, Section 2, to present for identity and employment authorization. The school system cannot specify which document(s) it will accept from an employee.
7. The HR representative examines and records each document and completes and signs the Form I-9, Section 2.
  - a. The HR representative must physically examine each original document the employee presents to determine if it reasonably appears to be genuine and relates to the employee.
  - b. The person who examines the documents must be the same person who signs Section 2.
  - c. The employee must be physically present with the examiner during examination of the documents.
  - d. All documents must be original (except a certified copy of a birth certificate) and unexpired. The name on the I-9 should appear exactly as it appears on the documents. No nicknames may be used.
  - e. If a List B document is chosen, it must contain a photograph.
  - f. If the employee presents a document that contains a photograph, compare the photograph to the employee to verify it is the same person.
  - g. Do not ask for more or different information than is legally required on the I-9.
  - h. If the employee chooses to provide a photo-matching document for

the I-9 documentation, retain a photocopy of the document with the I-9. A photo-matching document is any of the following: (i) a Permanent Resident Card (Form I-551) (“green card”), (ii) an Employment Authorization Document (Form I-766), (iii) a U.S. Passport, or (iv) a U.S. Passport Card.

- i. *[If the school system’s practice is to make copies of all documents presented by the employee (not just photo matching documents), add that step here. If implemented, the practice of making copies must be done consistently for all employees, regardless of citizenship or national origin status. The photocopies must be kept with the employee’s Form I-9.]*
- j. Return the original documents to the employee.

- 8. If necessary, the HR representative updates (for employees rehired within three years who have unexpired work authorization) or reverifies (for rehires or other employees whose work authorization has expired) the employee’s work eligibility in Section 3, in accordance with instructions provided in the *Handbook for Employers*. When an employee’s work authorization document expires, reverification must be completed no later than the date the employment authorization expires.
- 9. Employees who do not provide the necessary documentation or an acceptable receipt (as described in the *Handbook for Employers*) for such documentation within the time period for completing the Form I-9 must be dismissed.

**C. Procedure for Electronic Verification of Employment Eligibility Documents Using (E-Verify)**

In addition to the I-9 process, electronic verification of employment eligibility using the E-Verify program is required for every newly hired employee who began work on or after March 1, 2007. Attempting to verify the employment eligibility status of a person who was employed by the school system prior to March 1, 2007, is strictly prohibited. All E-Verify activities must be carried out by an authorized E-Verify user and in accordance with federal requirements as described in Section I, above, and the following.

- 1. An E-Verify case must be initiated after the I-9 process has been completed and before the end of the third business day after the employee starts work
- 2. Using information from the I-9, input the employee’s information into E-Verify. Consult the *E-Verify User Manual* as necessary during this process. Include the employee’s email address if provided on the I-9.

3. If automatic photo matching occurs during the E-Verify process, compare the photo on the E-Verify screen with the photo-matching document provided by the employee (not with the actual employee) and verify that they are identical. If not identical, report the discrepancy through E-Verify.
4. After comparing the employee's Form I-9 information with information on file with the SSA and DHS, the E-Verify system will provide an initial result: (i) a confirmation that employment is authorized, (ii) notice of a "DHS Verification in Progress," or (iii) a "Tentative Nonconfirmation" ("TNC").
  - a. If a DHS Verification in Progress notice is received, periodically check E-Verify to ensure that authorization has been provided, which will usually occur within 24 hours.
  - b. If a TNC is received, refer to subsection II.D, below.
  - c. Do not take any adverse action against the employee while awaiting a final confirmation or nonconfirmation that the employee is authorized to work in the United States. Examples of adverse action are terminating employment, delaying training, or delaying the employee's start date. Treat the employee like any other employee until E-Verify resolves the discrepancy and issues a final confirmation or nonconfirmation.
5. If a case result of "Employment Authorized" is received, check that the information in E-Verify matches the employee's Form I-9, and then close the case in E-Verify.
6. Staple the result of the E-Verify transaction to each new employee's Form I-9 and record the E-Verify confirmation number on the I-9.

**D. Procedure for TNC**

1. When the E-Verify system cannot confirm that an employee's I-9 data matches DHS and SSA records, it will issue a TNC. A TNC does not necessarily mean that the employee is not authorized to work in the United States, but additional action will be required of both the employee and the school system.
2. Follow instructions in the *E-Verify User Manual* for notifying the

employee and providing an opportunity to contest the TNC.

- a. Do not attempt to influence or coerce an employee's decision whether to contest a TNC.
  - b. Do not ask for additional documentation after obtaining a TNC for an employee.
3. After providing proper notice to the employee of the TNC, determine the appropriate course of further action in accordance with instructions in the *E-Verify User Manual*.
- a. If the employee chooses not to contest it, the TNC becomes a "Final Nonconfirmation."
  - b. If the employee elects to contest the TNC, refer the employee to the appropriate federal agency (SSA or DHS), following the steps provided in the *E-Verify User Manual*. The agency will then work with the employee to resolve the TNC. Employees who elect to contest the TNC must be permitted to work until the issue has been resolved.
  - c. Check the E-Verify system at least daily for updates when there is an outstanding TNC.
  - d. If DHS converts the TNC into a Final Nonconfirmation, complete the E-Verify query by closing the case and refer the matter to the director of human resources for further action.

**E. Termination of Employees Without Work Authorization**

Federal law prohibits the employment of individuals known to be unauthorized to work in the United States. The director of human resources shall move to terminate an individual's employment if that individual:

1. fails to comply with the employment verification requirements;
2. is not authorized to work in the United States; or
3. is a nonimmigrant alien whose temporary work authorization expires.

**III. RECORDS RETENTION, STORAGE, AND DISPOSAL**

**A. Retention Period**

1. A current completed I-9 form must be on file for each employee on the

payroll who was hired on or after November 6, 1986.

2. Once the individual's employment has terminated, I-9 forms (with E-Verify verification attached) should be retained for one year after the date the individual's employment ends, or for three years after the date of hire, whichever is later.
3. Photocopies or faxed copies of completed I-9 forms are not acceptable to meet retention requirements.

**B. Storage**

Completed I-9 records should be stored in a secure location separate from employees' personnel files and must be maintained in such a way that they are easily accessible within three days of an inspection request.

**C. Disposal**

When the retention period has elapsed, documents should be destroyed by shredding or other method of disposal that protects the sensitive information in the documents.

**IV. ENSURING PRACTICES COMPLY WITH FEDERAL LAW**

**A. Internal Audits**

The director of human resources shall conduct periodic internal I-9 and E-Verify audits to verify that compliance requirements are being followed and to remedy any identified errors. Such audits must be conducted in a manner that is nondiscriminatory and consistent with federal guidance for internal Form I-9 audits, which is available at <https://www.justice.gov/crt/file/798276/download>.

**B. Compliance Resources**

Resources to assist in complying with E-Verify requirements are available at <https://www.uscis.gov/e-verify>. Resources for complying with I-9 requirements are available at <https://www.uscis.gov/i-9-central>.

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