

UNIVERSITY OF ILLINOIS SYSTEM

EMPLOYMENT ELIGIBILITY VERIFICATION PROCEDURES

Effective July 2011

Revised December 2024

PROCEDURES

The University of Illinois System (“System”) uses and relies upon the Tracker Electronic I-9 system (“electronic I-9 system”) for processing and storage of federal Form I-9, including E-Verify.

1. Employment Eligibility Verification Roles and Definitions

Unit I-9 Manager: A Unit I-9 Manager is a University of Illinois System employee who has been authorized to complete the Form I-9 as an employer representative for the System. Such authorization is obtained by designated employees upon satisfactory completion of the System’s prescribed training. Once authorized, the employee may use the title “Unit I-9 Manager” when completing Form I-9 responsibilities. The System maintains a list of Unit I-9 Managers.

E-Verify Manager in a Central HR Office: An E-Verify Manager is an I-9 Manager in a Central HR office who has been authorized and trained to handle E-Verify cases. In addition to the System training taken by I-9 Managers, an E-Verify Manager must also complete federally mandated E-Verify training. The System maintains a list of E-Verify Managers.

Business Days: As of January 1, 2024, “business days” includes all calendar days, including weekends and holidays.

2. Form I-9 Section 1 – Employee Information and Verification

After employment has been offered and accepted, the employee must complete and sign Section 1 **on or before the close of business of his/her first day of work for pay**. E-Verify enrollment requires that all employees provide a Social Security number in Section 1. If an employee has applied for, but has not yet received an SSN, the SSN field will be left blank, and the remainder of Form I-9 must be completed within the usual deadline. When the employee receives an SSN, the employee must return to amend Section 1 by entering their SSN. **Only the employee may complete or amend Section 1; I-9 Managers may not make these changes.**

3. Form I-9 Section 2 – Employer Review and Verification

The Unit I-9 Manager or authorized representative (if permitted) must review the employee’s documents **in person** and complete and sign Section 2 within three business days (**all** calendar days, including weekends and holidays, as defined above) of the employee’s first day of work for pay (i.e. work begins Monday, Section 2 must be completed no later than Thursday). If employment is for less than three days, Section 2 must be completed at the time of hire (in other words, by the first day of work for pay).

- The employee may present document(s) of their choosing, either one document from List A, OR a combination of one document from List B and one document from List C.
 - If the employee presents a List B document, it **must** contain a photograph. This is a requirement under the terms of E-Verify.
- The I-9 Manager must certify that the employee's original documents reasonably appear on their face to be genuine and relate to the employee.
- The First Day of Employment indicated in this section is the date that the employee actually begins work for pay.

Documents that are expired, are not original, or do not appear to relate to the employee may not be used to complete Form I-9. Per Illinois Public Act 103-0879, if an employee presents insufficient documentation, the I-9 Manager must notify the employee about which document is not acceptable and explain how to resolve the issue. A recommended job aid for communicating this information to the employee is available in the Resources section below.

4. Form I-9 Section 3 – Reverification, Including Name Change

The Unit I-9 Manager completes Section 3 when it is necessary to update or re-verify an employee's work authorization. Reverification must be completed prior to the expiration of an employee's current work authorization. If an employee changes their name, but does not otherwise require reverification, Section 3 is recommended but not required. An individual can be reverified on Form I-9 multiple times as needed, but may be E-Verified only once while continuously employed.

5. Retain Copies of Only Specified Documents

If and only if an employee presents any of the following documents, that document must be copied, and the scanned copy uploaded, to the I-9 in the electronic I-9 system for E-Verify purposes:

- Employment Authorization Document (Form I-766)
- Permanent Resident Card (Form I-551)
- U.S. Passport
- U.S. Passport Card

Unit I-9 Managers **must not** retain copies, whether in paper or electronic format, of any other documents presented for employment verification purposes in completing Form I-9.

Employing units who copy documentation for other legitimate employment purposes unrelated to the Form I-9 must store those copies in a secure location separate from the Form I-9.

6. Completing the Form I-9 Prior to 1st Day of Employment

The Form I-9 process (including E-Verify) may be conducted prior to the employee's first day of work for pay, as long as the employee has accepted an offer of employment.

- The First Day of Employment entered in Section 2 of the Form I-9 may be a future date, as long as it accurately indicates the date the employee will begin work for pay.
- If the employee's actual First Day of Employment will be different than the date originally entered in the Form I-9, then the Form I-9 must be corrected prior to the start of work to reflect the actual first date of work for pay.

7. Situations where an I-9 Manager is not available

In the event that an employee's appointment will begin on a day when a Unit I-9 Manager is not available, or the employee is located offsite (remote or hybrid work arrangement), the hiring unit should consider alternatives in advance in order to meet the required deadlines. Alternatives include:

- a. The employee may complete Section 1 prior to their first day of work for pay (as long as it is after the employee has accepted the job offer).
- b. The employee may complete Section 1 remotely using an electronic I-9 system URL emailed to them by the Unit I-9 Manager.
- c. Section 2 must still be completed by the end of the third business day after the employee's start date. In general, an employee starting work on a date when an I-9 Manager is not available will be able to complete Section 1 remotely, then complete Section 2 with the I-9 Manager in person. If the I-9 Manager will not be available to complete Section 2, or the employee will work at an offsite location, then using an authorized representative option for completing Section 2 may be permitted.

If the Unit I-9 Manager or employee anticipate any issues impacting timely completion of any part of Form I-9 because of an employee starting when an I-9 Manager is not available and/or an offsite work arrangement, then the Unit I-9 Manager will contact the Central HR office for assistance.

8. Use of an Authorized Representative

An authorized representative (also known as a designated agent) acting on behalf of the University of Illinois System may complete, update, or make corrections to Section 2 or Section 3 with the employee in place of the Unit I-9 Manager for the employee's hiring unit when needed to ensure timely completion of Form I-9. The authorized representative will use a URL received in an email from the Unit I-9 Manager to securely access the electronic I-9 system.

An authorized representative must perform all required employer duties, understand the obligation, and take the responsibility seriously. The authorized representative must be chosen carefully because the University of Illinois System will be held responsible for their actions. The university **may refuse** any person from acting as an Authorized Representative. Employees cannot act as authorized representatives for their own Form I-9.

In order of preference, the individuals listed below may be designated as authorized representatives. **For a. through c.**, an I-9 Manager should be available to answer any questions. **For d. through f.**, it is *strongly* recommended that an I-9 Manager be on the phone with the Authorized Representative as they inspect documents and complete Section 2 or 3. Note that some professionals provide this service for a fee and any cost incurred is at the employee's own expense.

- a. Another I-9 Manager or employee with I-9 training who is employed by the System (Central HR office staff, foreman, clerical staff)
- b. A person with I-9 knowledge and training at another organization (Former employer, another college or university, local office of a state agency)
- c. A professional whose typical job duties include confidentiality, compliance, or otherwise suggest understanding the obligation of completing an I-9 (Notary, lawyer, accountant)

- d. A colleague or coworker may be used if the new hire's role is at a location where, or performed at times when, other employees are present, but an I-9 Manager is not available (Hospital staff, night shift, certain student services, field research)
- e. An adult person over age 18 who is not a family member or household member of the new hire (Neighbor, friend, clergy)

After the authorized representative completes their role, the Unit I-9 Manager must login to the electronic I-9 system to thoroughly review and approve the completed Form I-9. If any errors were made, the Unit I-9 Manager must reject the Section 2 (or 3) and work with the employee and/or the authorized representative to correct the form.

9. Rehires/Reemployment

A "rehire," or someone who is "reemployed," is an individual who previously worked for the University of Illinois System and who separated (i.e, resignation, termination) with a break in employment, and who is subsequently hired again. The System will complete a new Form I-9 for ALL new hires. This includes completing a new Form I-9 for those hires who have worked for the System at any previous time, regardless of the length of break in employment. An employee who is on leave, but has a reasonable expectation of continued employment is not considered a rehire upon return.

10. E-Verify

E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. University of Illinois locations have been enrolled in E-Verify since 2010. As of November 1, 2019, the University of Illinois System E-Verifies employees assigned to a covered federal contract and new hires throughout the organization. The entire University of Illinois System is enrolled collectively in E-Verify. Colleges, departments, and units are **not** authorized to enroll; and therefore, **MUST NOT** enroll in E-Verify. All submissions to the E-Verify system will be completed through the electronic I-9 system; all results and necessary follow-up will be coordinated by an E-Verify Manager in a Central HR office.

a. Employees to be E-Verified

- All new hires must be E-Verified. The Form I-9 information for a new hire is automatically submitted to E-Verify by the electronic I-9 system.
- Existing employees who have not previously been E-Verified and who begin working on, or who are transferred to work on, a qualifying federal contract or subcontract that contains the E-Verify clause, must be E-Verified within 30 calendar days of beginning work on the contract. An E-Verify Manager in the Central HR office will toggle E-Verify "on" to submit an existing employee's I-9 information to E-Verify.

b. Safeguarding Login Credentials

Because the System is a web services client, E-Verify Managers do not access the federal E-Verify system directly, but instead work with E-Verify through the electronic I-9 system. For security purposes, it is essential that authorized users of the electronic I-9 system safeguard their login credentials, and must not share or write down their password where it can be viewed by others. Sharing passwords and/or use of E-Verify by an unauthorized person is in violation of state and federal law.

c. E-Verify: Special Considerations for Completing Form I-9

In most cases, the E-Verify query is submitted immediately following the completion of an I-9, except when the employee does not yet have an SSN. When completing a Form I-9 for an employee who must be E-Verified, the following special considerations must be observed:

- **Section 1**
 - The employee's Social Security Number is required for the E-Verify query. If an employee who is required to be E-Verified does not have a Social Security number at the time of hire, then the central HR office will submit the E-Verify query after the employee has received his or her number from the Social Security Administration. However, the Form I-9 must still be completed in the required time frame.
- **Section 2**
 - If the employee presents a List B document, then that List B document must contain a photograph. The List B photograph is to be compared to the individual during the Form I-9 process.
 - If the employee who is required to be E-Verified chooses to present an Employment Authorization Document (Form I-766), Permanent Resident Card (Form I-551) or U.S. passport/U.S. passport card during the Form I-9 process, you must copy such document and keep it with the employee's completed Form I-9 (i.e., upload to the electronic I-9 system). The photo on such document will be compared to a photo displayed by the E-Verify system during the E-Verify Photo Match process to see if the two photos are reasonably identical.

e. E-Verify Case Verification Number

When an employee is E-Verified, an E-Verify Case Number is assigned. The electronic I-9 system will maintain this number. The E-Verify Case Number will also be automatically propagated to the HR system.

f. E-Verify Case Results & Follow-up

Once the employee and I-9 Manager complete a Form I-9, the Form I-9 information is submitted to E-Verify by the electronic I-9 system. E-Verify will return a case result. A result of Employment Authorized means the employee's information matched the records available to SSA and DHS, and no additional action is required. If a result requires follow-up, then an E-Verify Manager in the central HR office will work with the employee. Among the possible case results are Tentative Nonconfirmation (mismatch) and Final Nonconfirmation.

- Tentative Nonconfirmation (TNC)
 - This status indicates that the information submitted does not match SSA and/or DHS records.
 - The E-Verify Manager must confidentially notify the employee, and provide the Further Action Notice either in person **or** by mail and email, if known, as soon as possible and within 5 calendar days (per Illinois Public Act 103-0879). The E-Verify Manager must also inform the employee of their right to representation during any future meetings related to the TNC.

- The employee must inform the E-Verify Manager whether they will contest the TNC within 10 federal government working days. When the employee decides whether to contest the TNC, the E-Verify Manager must select the appropriate option in the E-Verify section of the electronic I-9 system.
- If the employee chooses to take action to resolve the mismatch, then the employee must contact the appropriate federal agency as listed on the Referral Date Confirmation within 8 federal government working days.
- An employee must be allowed to continue working as normal while resolution of a TNC is pending. It is unlawful to take any adverse action against an employee who has received a TNC, based on the employee's decision to contest a TNC, or because the case is still pending with the government.
- Final Nonconfirmation (FNC)
 - This result indicates that SSA and/or DHS were unable to resolve the mismatch between agency information and the information submitted to E-Verify, or the employee failed to take action in the required timeframe.
 - In most cases, an employee who receives an FNC must be terminated from employment.
 - If the employee received the FNC because they did not contact SSA or DHS, an E-Verify Manager will notify the employee of the FNC, and the employee will be terminated through standard procedures.
 - In certain cases when the E-Verify Manager has substantial evidence of work authorization, and believes that the FNC was issued in error, the E-Verify Manager will join the employee in contacting DHS or SSA to seek a case update. The E-Verify Manager will consult with University Legal Counsel or other System officials as appropriate to make the determination about whether or not substantial evidence exists to believe the employee is authorized to work. If the employee is successful in receiving a status update of Employment Authorized After Review, the employee may continue employment. If unsuccessful, the employee will be terminated through standard procedures.
 - In no circumstance will an employee be allowed to continue employment following an FNC, unless E-Verify issues an updated case result confirming work authorization.

11. Compliance

The University of Illinois System is committed to employing a legal workforce. Because any violations identified in government audits of Form I-9, supporting documentation, and E-Verify can result in substantial fines, criminal penalties and even the possibility of debarment from federal contracts, it is critical that employment verification is conducted in accordance policy, procedures, and deadlines outlined.

RESOURCES

- University of Illinois System Employment Eligibility Verification Policy
<https://nessie.uhr.uillinois.edu/pdf/Policy/EmployVerifPolicy.pdf>
- University of Illinois System Employment Eligibility Verification Training and Job Aids
<https://www.hr.uillinois.edu/policy/formi9>

- Insufficient Documentation Job Aid
https://www.hr.uillinois.edu/UserFiles/Servers/Server_4208/File/Policy/I9/I9_JobAid_InsufficientDocs.pdf
- USCIS Handbook for Employers M-274
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>
- E-Verify User Manual <https://www.e-verify.gov/e-verify-user-manual>
- E-Verify Supplemental Guide for Federal Contractors
<https://www.e-verify.gov/supplemental-guide-for-federal-contractors>