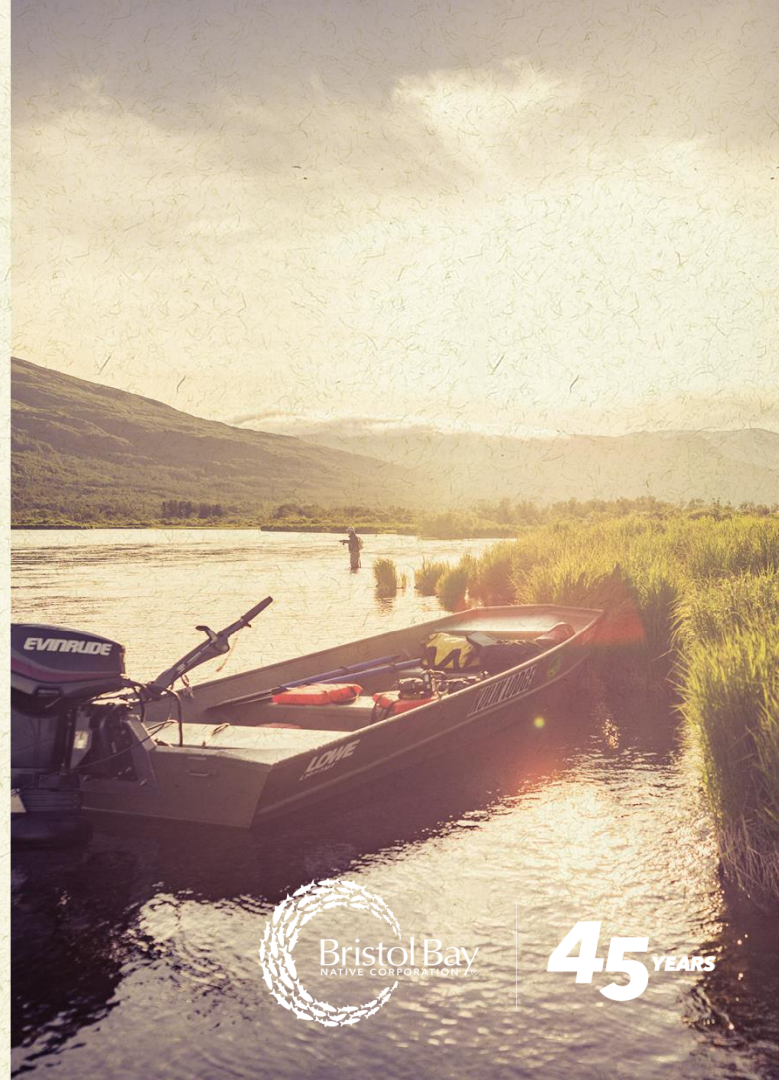


*Operating with Integrity*  
**CULTURE OF  
EXCELLENCE**

# AYI-YAI-YAI I-9

An Old Acquaintance Revisited  
and  
It's Not Good News

Richard Baird and Tod Collier  
November 2017



**45** YEARS

# WHAT IS FORM I-9?

Required by the US Citizenship and Immigration Services

Verifies the identity and employment authorization for all employees

Fundamental employment document, and a basic HR deliverable

Must be properly (properly!) completed for all employees





**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

► **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)		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
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number [ ][ ] - [ ][ ] - [ ][ ][ ][ ]		Employee's E-mail Address		Employee's Telephone Number	

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):

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 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: _____ <b>OR</b> 2. Form I-94 Admission Number: _____ <b>OR</b> 3. Foreign Passport Number: _____ Country of Issuance: _____	QR Code - Section 1 Do Not Write In This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
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# FORM I-9

- Requires the EMPLOYEE to provide documentation
- Requires the EMPLOYER to verify the documentation
- Must be retained for a prescribed period of time
- Contains plenty of PII



# EVIL FORM I-9

Most companies assume their Forms I-9 are being completed correctly  
That is potentially a very expensive assumption

We decided to test our I-9 process by conducting two compliance reviews

Selected a sample of all I-9s and looked at:

- Was the correct form used?

- How they were completed?

- How they were stored?

- Were they securely stored?

# AUDIT RESULTS

- Company One: Sampled 3.5% of active employees
- Percent correctly completed:
  - **8.3%**
  - Most of the errors were in the section completed by the employer
  - No missing form
  - Securely stored

# AUDIT RESULTS

- Company Two: Sampled 10% of active employees
- Percent correctly completed:

- 14%

- 17% were MISSING ENTIRELY

# KINDS OF ERRORS

- Form not found
- Incorrect documentation
- Form only partially completed
- Not signed
- Out-of-date forms used
- The current I-9 can be completed with computer assistance, but you still have to complete a form and the Employer is responsible for all errors
- Subject to audit by federal inspectors



# What a Real Federal Audit Looks Like

- Unannounced visit to facility by Immigration and Customs Enforcement (ICE) Agent
- Subpoena presented for specific information for the Company subject to audit
- Information must be provided within 3 days of service of subpoena

## Information We Must Provide

- Original I-9's for active employees and employees terminated in the last 6 months
- Payroll Registers and Quarterly Tax Statements for the current calendar year
- Employee roster – active and recent terminations with SSN, hire and termination dates
- Business Information: EIN, contact information, Articles of Incorporation, name of registered agent

## **More Information We Must Provide**

- Social Security “No Match Letters” and E-verify Letters
- List of subcontractors and all prime contractors for which company is a subcontractor
- List of all federal, state and local government contracts/subcontracts, including contract description, agency location and contract number – current CY

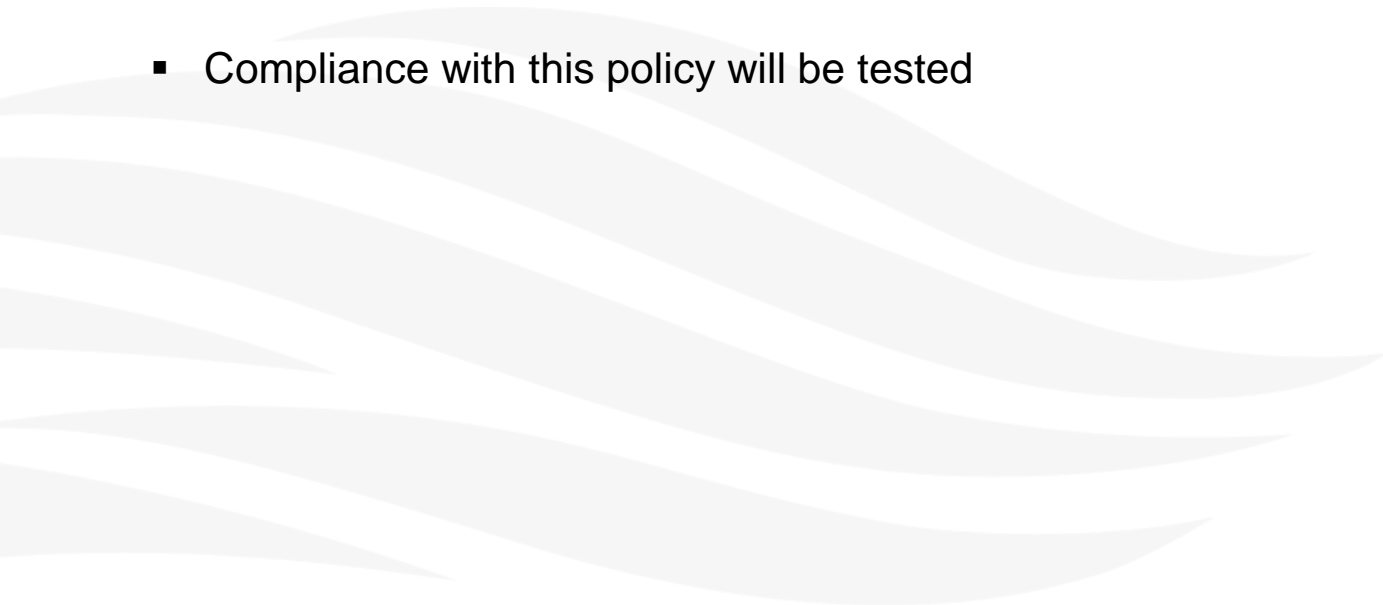
## **Additional Steps**

- Agency may request additional information specific to electronic completion of I-9 after initial information is provided
- Explanation of system including instructions on completion of each section
- Explanation of process to verify I-9's are maintained separately
- Verification of date each section is completed
- Location/role of individuals verifying section 2 of Form I-9

# Formal Policy and Procedure for I-9 Completion

- Will be distributed to each President and GM
- Specifies the responsibilities of the new hire and the Employer
- Includes detailed instructions, including the requirement that employee
- documentation must be physically inspected and verified
- Special requirements for use of E-Verify, and completion in remote locations

# Support and Training is Available

- Contact Tod or me and we can help.
  - Compliance with this policy will be tested
- 
- A series of light gray, wavy, horizontal lines that sweep across the bottom half of the slide, creating a sense of motion and depth.





**45** YEARS

# THANK YOU

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EXCELLENCE**

**Rick Baird, Vice President of HR, BBNC and  
Tod Collier, Director of Human Resources, BBSS**