

# Start your hiring with employment verification compliance done right



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**W**e all know that finding the right people to serve our members is critical to our success. But what we cannot forget is that lack of compliance with the employment verification form—the I-9—could represent a serious financial and legal threat to our branch offices and state associations. In recent years, the federal government has escalated its efforts to oversee and enforce I-9 compliance through workplace audits and raids. The I-9 is more than just a compulsory onboarding employment form; it is a legal document requiring every employer (remember, that’s you if you have anyone earning W-2 wages) to verify their employees’ immigration

status under penalty of perjury. Non-compliance with those verification requirements is a civil violation and can result in heavy fines and penalties. Given this emphasis, I-9 compliance is more important than ever.

**Here are some tips to protect your branch or state association against I-9-related penalties:**

- Download the up-to-date form at [uscis.gov/sites/default/files/document/forms/i-9-paper-version.pdf](https://uscis.gov/sites/default/files/document/forms/i-9-paper-version.pdf), or simply direct your employees to the easy-to-populate e-form.
- Section 1 of I-9 must be completed by each employee (again, anyone earning W-2 wages through your branch or state association) by their first day of work—the period of time after the job offer has been accepted and before the end of the employee’s first day.
- Section 2 must be completed by you (the employer) within three business days of the date of hire.
- The instruction document and “List of Acceptable Documents” (page 3 of the form) should be made available to employees at the time they complete.

Employees can choose which legal documents they submit to establish their identity and eligibility to work in the United States. They must present original, unexpired documents in person to the company representative (a branch officer or other designated employee who is completing Section 2).

I-9s should also be stored in a secure location separate from personnel files. Although photocopies of employment identification are not required, if you choose to make photocopies of documents, they should be made for every employee retained with the I-9s and presented during an investigation or audit by an authorized agent. Completed I-9s must

be retained for as long as an individual is employed. I-9s for employees who have separated must be retained for three years after the date of hire (first day of work for pay) or one year after the date employment ends, whichever is later.

There are two cases in which completing the Form I-9 deviates from normal circumstances:

- **Reverification**—If the employee’s work authorization document has an expiration date, you must reverify the employee’s right to work prior to that expiration date. Also, when an employment authorization expiration date is provided in Section 1, you are required to reverify employment authorization on or before the date shown. The need for reverification is triggered by the document presented by the employee and by the box the employee checks in Section 1. Branches should create a system to remind them when the employee’s documents will expire and need to be reverified. Reverification is not necessary for identity (List B) documents. U.S. passports, whether valid or expired, never require reverification, nor do alien registration or permanent resident cards.
- **Rehires**—A new Form I-9 does not need to be completed for people rehired within three years of completing a prior Form I-9. Branches can instead update the prior Form I-9 by confirming that the employment eligibility document originally presented remains valid. If it does, you can merely record the rehire date in Section 3 of the form. However, if a new version of Form I-9 has been issued, the employee must provide documents from the current list of acceptable documents, and you must complete the current version of Form I-9 and retain it with the previously completed I-9. Some branches and state associations find it easier to complete a new Form I-9 for all rehires.

**To ensure compliance with the law, you must accurately complete Form I-9 at the outset.** Mistakes happen, however, and you may later discover errors on these forms. It is good practice to periodically audit and make any necessary corrections to the I-9s. Remember to make all corrections in a different color ink (red is suggested) to avoid the appearance of tampering with the timing or other compliance requirements.

Some Form I-9 errors are technical and can be corrected, but others are substantive and could require new I-9s in addition to the original forms. Important: Never backdate a form! Periodic self-audits and corrections may assist employers in demonstrating a good-faith effort to comply with the law in the event of a government audit.

Given that both audits and raids are becoming more commonplace—and the criminal penalties and fines are severe—it is critical that branches and state associations have a robust I-9 compliance practice in place.