

# Start hiring off on the right foot with employee 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, and 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. Noncompliance with those verification requirements is a

civil violation and can result in heavy fines and penalties.

## What should you do?

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

- First, remember to download the most 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), making as many copies as you need, or simply direct your employees to the e-form.
- Section 1 of I-9 must be completed by each employee 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 the employer within three business days of the date of hire.
- The instruction document and list of acceptable documents (page 3 of the Form I-9) should be made available to employees at the time they complete Section 1 of the form.

Employees are free to 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 of the I-9).

I-9s should be stored in a secure location separate from personnel files. If photocopies of documents are made, they should be retained with the I-9s and presented during an investigation or audit by an authorized agency. 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 comes later.

Instances in which completing Form I-9 varies from the norm:

- **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 re-verification is triggered by the document presented by the employee and by the box the employee checks in Section 1 of Form I-9. Branches should create a system to remind them when the employee’s documents are expiring 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.

## Auditing and correcting Form I-9

**Overall, 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 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.

## Temporary I-9 policies related to COVID-19

**Due to precautions being implemented by employers and employees related to physical proximity associated with COVID-19, employers with employees taking physical proximity precautions due to COVID-19 will not be required to review the employee’s identity and employment authorization documents in the employee’s physical presence.** However, employers must inspect the Section 2 documents remotely (e.g., over video link, fax, email, etc.) within three business days for purposes of completing Section 2. Employers also should enter “COVID-19” as the

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reason for the physical inspection delay in the Section 2 additional information field once physical inspection takes place after normal operations resume. Once the documents have been physically inspected, the employer should add “documents physically examined” with the date of inspection to the Section 2 additional information field on the Form I-9, or to Section 3 as appropriate. These provisions may be implemented by employers for a period of 60 days from the date of this notice or within three business days after the termination of the national emergency, whichever comes first.

The temporary guidance was set to expire Dec. 31, 2021. Because of ongoing precautions related to COVID-19, DHS has extended the Form I-9 requirement flexibility policy until April 30. Please visit this website for ongoing guidance regarding future extensions: [uscis.gov/i-9-central/form-i-9-related-news/temporary-policies-related-to-covid-19](https://uscis.gov/i-9-central/form-i-9-related-news/temporary-policies-related-to-covid-19).

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

### When a retired letter carrier dies...

- Notify the Office of Personnel Management (OPM). This should be done as soon as possible through its website, by email, by phone or by mail. To report the death of a deceased annuitant to OPM, do one of the following:
  - Visit [servicesonline.opm.gov](https://servicesonline.opm.gov) and click on “Report an Annuitant Death.” This will take you to an online form to complete and submit.
  - Send an email to [retire@opm.gov](mailto:retire@opm.gov) and include the following information pertaining to the annuitant and survivor(s): Retired letter carrier’s full name, CSA number, date of birth, Social Security number, survivor’s full name, relationship to the deceased, Social Security number, date of birth, address and phone number.
  - Call OPM at 888-767-6738.\*
  - Write to OPM at Office of Personnel Management, P.O. Box 45, Boyers, PA 16017. Provide the information on the deceased and survivor(s) as above.
- \*Calling OPM can sometimes take several attempts due to high call volumes. Callers may be on hold for 20 minutes or longer. The NALC Retirement Department staff is familiar with OPM and is well-versed in explaining OPM’s processes. Upon request, the NALC Retirement Department will report the death of a retired member to OPM and answer any questions. To contact the NALC Retirement Department, call toll-free at 800-424-5186 on Monday, Wednesday and Thursday from 10 a.m.-12 p.m. and 2 p.m.-4 p.m. Eastern Standard Time. The NALC Retirement Department also can be reached Monday-Friday from 9 a.m.-4:30 p.m. at 202-393-4695. Long distance charges may apply.
- Once the death of an annuitant has been reported to OPM, the OPM will stop payment of the monthly annuity and mail the applicable claim forms to the survivor. In most cases, two forms will be included in the packet:
  - application for death benefits under the retirement system (death benefits include survivor benefits and/or any unpaid annuity balance) and
  - application for Federal Employees’ Group Life Insurance (FGLI)
  - The packet also includes pre-addressed return envelopes, color-coded pink and blue, to facilitate rapid distribution and processing within OPM.
- Notify the bank where annuity payments are deposited, as well as any other of the retiree’s financial institutions. Any annuity payments deposited after the date of death will be reclaimed by OPM. Return any uncashed annuity checks to the address on the accompanying Treasury Department envelope.
- Obtain enough death certificates for your needs from the mortuary.
- Notify the retired letter carrier’s NALC branch.
- If the retiree was a veteran, notify Veterans’ Affairs at 800-827-1000.
- Call the Social Security Administration at 800-772-1213.
- Notify insurance companies (life, health, home, automobile, etc.).
- If the retiree had a policy with NALC’s Mutual Benefit Association, call 202-638-4318 or write to MBA, 100 Indiana Ave. NW, Washington, DC 20001-2144.
- If the retiree had health insurance through the NALC Health Benefit Plan or any other FEHB plan, the OPM will inform the health plan. When a spouse is entitled to survivor benefits, he or she will receive continuous health insurance coverage as long as they were covered under their spouse’s FEHB plan at the time of death. The health plan will automatically change to self-only and be switched to the surviving spouse’s name.
- If the retiree participated in the Thrift Savings Plan, contact the TSP at 877-968-3778.

If the spouse of a retired letter carrier dies, call the NALC Retirement Department for instructions on how to restore annuity to full amount, switch health coverage from family to self (unless you have dependent children) and change beneficiaries.