Start your hiring off with employment verification compliance done right

Paul Barner

We 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. And noncompliance 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.

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.pdf, making as many copies as you need, or simply directing your employees to the easy-to-populate e-form.
- Section 1 of the 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 2 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 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 and 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.

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 reverification 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 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 may 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 previ-

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Director of Safety and Health

Safety committees (continued)

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date of his injury was his last scheduled day of work before his retirement. He was taken for medical care on the evening of his injury with a follow-up appointment four days later, at which time he was given some medicine because pressure was building behind his eye. He went into cardiac arrest almost immediately after taking the medicine while in the doctor's office.

This carrier died on what would have been his first day to enjoy a well-earned retirement. How would you feel if you worked at this facility, were a member of the local safety committee and discovered that a similar accident had taken place earlier, but the safety committee did not look into it?

If your installation does not have an NALC representative on the safety committee, step forward, contact your branch president and get involved.

Executive Vice President

Employment verification compliance (continued)

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ously 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

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 of 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.

Director of City Delivery

City Delivery updates (continued)

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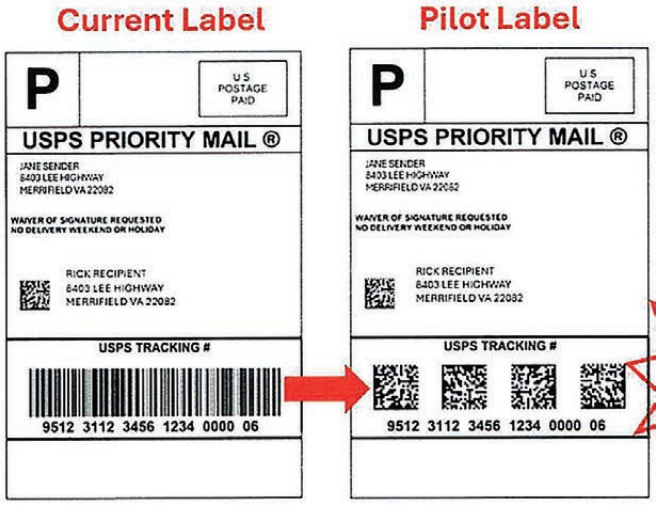
supplies to all post offices and customers. Based on the notification, the purpose of this pilot is to improve readability of packages in the postal network.



I will continue to share updates on the pilot tests and initiatives from USPS with the membership. Be sure to read my article each month and visit nalc.org for more information.