

E-VERIFY UCD CAMPUS PROCEDURE

As a federal contractor, UC is required to E-Verify the work status of new hires and existing employees hired after November 6, 1986 who are assigned to an E-Verify federal contract/subcontract (including employees who may be assigned to such a contract/subcontract as the result of a transfer). The E-Verify system, operated by the United States Citizenship and Immigration Service (USCIS) through the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), electronically compares information contained on the Form I-9 with records in the Social Security Administration (SSA) and DHS databases to verify the identity and employment eligibility of employees working on federal government contracts and subcontracts.

The following UCD campus procedures are required only when a covered federal contract or subcontract specifically includes the following Federal Acquisition Regulation (FAR) clause: FAR 52.222-54 Employment Eligibility Verification. This clause is referred to as the E-Verify clause. Because it is an institution of higher education, the University is not required to E-Verify the work status for all new hires; rather, it is only required to do so for new hires and existing employees who are assigned to work directly on a covered federal contract/subcontract containing the E-Verify clause.

Exemptions from E-Verify:

As stated, only the work eligibility of those newly hired and existing employees hired after November 6, 1986 assigned to a qualified covered federal contract/subcontract that contains the E-Verify clause will need to be E-Verified.

1. Newly hired and existing employees who normally perform support work on the federal contract/subcontract, such as indirect or overhead functions and who do not perform any substantial duties under the federal contract/subcontract are exempt from the E-Verify process.
2. UC employees hired prior to November 6, 1986 are exempt from the E-Verify process.
3. Employees with a current HSPD-12 credential, or have an active Confidential, Secret, or Top Secret security clearance are exempt.
4. All other new UC hires and existing UC employees not assigned to a qualified federal contract/subcontract are exempt from the E-Verify process. (Unless the existing employee becomes assigned to a qualified federal contract/subcontract through a transfer.)

The following information details the UCD campus administrative process required to perform E-Verify. (The administrative units involved in the process are also visually identified in the Campus E-Verify Flow Chart). Note: The E-Verify requirements are in addition to the current requirements governing the Employment Eligibility Verification Form (Form I-9) procedures, and are not a substitute. The E-Verify process must be done in a nondiscriminatory manner and, in the case of new hires, only after the individual has accepted an offer of employment and completed the Form I-9.

For questions regarding the campus procedure noted below, please contact Irene Horgan-Thompson, Director, Employment Services/Human Resources for staff employment actions and Bobbie Lasky, Academic Personnel Consultant/Office of the Provost for academic personnel actions.

Sponsored Programs/Office of Research:

- Identifies Federal Contracts containing the E-Verify clause (Federal Acquisition Regulation 52.222-54—Employment Eligibility Verification) based on contract awards that exceed \$100,000, duration of more than 120 days and with performance in the United States and sub contracts based on a prime contract with the E-Verify clause, for services or construction with value above \$3000.
- Provides copy of the Federal Contract to the department (Department Contract Administrator) receiving the award with a notice indicating the contract is subject to E-Verify.
- Notifies Extramural Accounting who will assign a fund number to the E-Verify Federal Contract and will advise Payroll of the fund number to permit fund number addition to PPS Edit Table.
- Notifies the E-Verify Contact/Human Resources and the E-Verify Program Administrator/Academic Personnel of the award containing the E-Verify clause.

Department:

Contract Administrator:

- Identifies employees “assigned” to the E-Verify Federal Contract (direct charge or cost share charge to the Federal Contract who are performing work with substantial duties) hired after November 6, 1986 and who are directly performing work in the United States under a federal contract that includes the clause committing the contractor to use E-Verify.
- Provides the Department Account Manager and the Department E-Verify General User, (typically the staff member responsible for processing hire transactions, including the completion of Form I-9 document) with a list of the employees assigned to the contract and also identifies vacant positions, if any, that will be subject to E-Verify when filled.

Account Manager:

- Creates expenditure account.
- Notifies Purchasing/Business Contracts to flow down E-Verify language.
- Ensures the Department General User processing I-9 documents has the list of employees assigned to federal contract/sub contract subject to E-Verify including newly hired and existing employees and employees who transfer into a position subject to E-Verify.

E-Verify General User:

- E-Verify General Users should be those individuals at the hiring department level responsible for handling the appropriate hiring forms in the employment hiring process including the processing of the Form I-9. E-Verify General Users will be responsible for performing the online E-Verify queries in determining the new hire's or existing employee's work eligibility following the steps below:
- Must successfully complete the free, online tutorial offered by E-Verify for certification and reviews the user manual and MOU at that website. The tutorials explain the E-Verify process in detail and provide step-by-step examples of how the E-Verify General User can successfully enter a query.
- For new hires and existing employees assigned to the federal contract/subcontract meeting the conditions for E-Verify, **the Form I-9 must first be completed on or before the hire/assignment date.**
- For E-Verify, the Form I-9 process will now require both a valid Social Security Number (SSN) and photo ID. If the employee has provided a Permanent Resident Card (PRC) or Employment Authorization Document as I-9 "List A" supporting documents for the I-9 process, E-Verify rules requires copying the Permanent Resident or the Employment Authorization Document and retain with the Form I-9 Form
- Conducts E-Verify query **after** completion of the Form I-9. Note: If the new employee assigned to the federal contract/subcontract meeting the conditions for E-Verify does not have a SSN at the time of the Form I-9 completion, but shows acceptable proof of identity and employment eligibility per the I-9 rules, wait to run the E-Verify query until the employee has received a SSN; however must note on the Form I-9 (top of the form) why the E-Verify query was not done. Advise the employee that he/she is responsible for obtaining SSN as soon as possible.
- By the third business day **after** completion of Form I-9, initiates E-Verify query (unless employee does not have SSN as noted above). If employment is authorized, the General User will receive an E-Verify response as "Confirmation" and the General User should print and retain this record with the copy of the Form I-9. If there are no input errors, the E-Verify system should return an instantaneous result of "Employment Verified." If information provided by the worker matches the information in the database, no further action is required and the E-Verify process is complete, however when an employee's work authorization is confirmed by E-Verify, the employee's **Form I-9 must be annotated with the E-Verify case number** that will be generated by the query. The confirmation number is at the top of the E-Verify response. For campus, the Form I-9 is electronically stored in Payroll. **Note, because Payroll requires the new hire packet be submitted to Payroll within 48 business hours of entry into PPS, departments should make a copy of the original Form I-9 and hold for E-Verify "Confirmation", however the original Form I-9 must be sent with the original new hire packed to Payroll by campus mail. The Form I-9 copy held for the E-Verify confirmation number can be sent to Payroll later for record retention.**

If an employee is subject to E-Verify and has provided a Permanent Resident Card (PRC) or Employment Authorization Document (EAD) for the I-9 process, E-Verify rules require that the employer retain a photocopy of those documents with the Form I-9. No other documents presented for the I-9 process need to be copied. Please send the notated copy of the Form I-9 and any other documentation required to the Payroll Office by campus mail.

For existing staff where employee's original documentation is at Payroll, please request from Payroll a photocopy of the original Form I-9 and add the necessary E-Verify case number on the photocopied I-9 document. Because Payroll is the Office of Record, please return the Form I-9 by campus mail and, if applicable, other PRC or EAD photocopied documents to Payroll to re-store the I-9 electronically. **UC locations are to do new I-9s on existing employees *only* in those situations where doing so is legally required, and not in other situations, where a new Form I-9 may be allowed but is not required.** [See Form I-9 Supplemental Guideline](#) for a list of legal requirements describing when new Form I-9 is required and specific instructions regarding when to complete a new Form I-9 for existing employee subject to E-Verification.

Note: E-Verify is conducted only on new hires and employees who are assigned to an E-Verify federal contract or subcontract. However, for an [F-1 OPT \(optional practical training\)](#) STEM (Science, Technology, Engineering Math) program status employee, whether assigned to a FAR contract that will require E-Verify query if the appointment is subject to E-Verify, or working on campus in any other capacity that does not require an E-Verify query, the F-1 OPT STEM employee's Form I-9 must still be annotated with the campus E-Verify employer identification number if employment is extended for additional 17 months for OPT. The campus federal ID number, if needed, will be provided by the campus E-Verify Program Administrators.

- **Non Confirmation:** If employment authorization cannot be immediately confirmed and the information cannot be verified, the General User will receive an E-Verify response as "SSA Tentative Non-confirmation Notice" or "DHS Tentative Non-confirmation Notice" depending on the category of information that could not be confirmed. This response may be no more than a result of typos or misinformation keyed into the system. But if correctly inputted data results in a "Tentative Non-confirmation," the General User should print out the "Tentative Non-confirmation Notice" and provide this information to the employee for signature. The employee can choose to contest or not contest the information.

If the employee contests the "Tentative Non-confirmation," the General User also prints a "Referral Letter" generated by the E-Verify system that instructs the employee to contact SSA or DHS within eight (8) federal government work days. It is the employee's responsibility to follow up in attempting to resolve the tentative non-confirmation status. If the employee chooses to contest the results of the "Tentative Non-confirmation," he/she must be allowed to continue employment until there is either a "Confirmation" or a "Final Non-confirmation" issued. It generally does not take more than four to six weeks for a Tentative Non-confirmation to become a Final Confirmation or Non-confirmation.

If the employee chooses to not contest the tentative non-confirmation, the employee may possibly not be authorized to work, however departments must consult with campus Employee Relations/Human Resources for staff actions or Academic Personnel for academic actions **before** taking any action with the employee as appropriate communications must be developed to indicate possible reassignment or possible termination based upon the E-Verify requirements, and in accordance with University policy and collective bargaining agreements.

Note: The department is prohibited from terminating or taking any adverse action against the employee while waiting for the final resolution from SSA or DHS. If the employee fails to contest the non-confirmation status within the prescribed period of time, or the hiring department/General User receives a “Final Non-confirmation Notice,” the department **must** consult with campus Employee Relations/Human Resources for staff actions or Academic Personnel for academic actions **before** taking any action with the employee.

- **Payroll Personnel System (PPS):**

For E-Verify two additional data fields have been added to PPS screens EPD2, IGEN, HPER:

E-Verify date_____ E-Verify Status:

The options available for the E-Verify Status field are as follows:

Y -Employee needs to be E-Verified – System Derived

C -Employee has been confirmed in the E-Verify System – System Derived

Blank -The employee does not need to be E-Verified –default, system derived

N -the Employee does not need to be E-Verified – User-entered override

As noted, the E-Verify process is only required for employees when your department has been contacted by Sponsored Programs that a federal contract has been awarded with the E-Verify FAR clause. To assist with the E-Verify process, please follow these PPS instructions to avoid incorrect entries for the two additional data fields:

In the HIRE/REHI bundle you will simply tab past these two “E-Verify date” and “E-Verify Status” fields located on the EPD2 screen when processing a rehire or new hire. If you receive a message “Warning: E-Verify Status Code set to Y. Employee Must be E-Verified” this indicates that the new employee is funded by FAR (Federal Acquisition Regulation) funds. Immediately notify your Department E-Verify General User to verify the employee is subject to the E-Verify process. Complete the Hire/REHI

transaction and once the Department E-Verify General User confirms the employee is subject to E-Verify and the E-Verify process has been completed, go back to PPS and update the employee record on EPD2 screen with the E-Verify date provided by the Department E-Verify General User. **If the employee is not required to be E-Verified, no date should be entered and you must change the E-Verify Status: Y to an N for not required.** *This is done after the HIRE bundle is completed, not at the time of hire.*

Note, if you make any entries in the E-Verify Date field at the time of HIRE/REHI, you will not be able to asterisk it out or space out the data entered. You will be forced to F2 cancel the entire New Hire or Re-Hire and start all over again.

Please note this will be the action on any bundle that includes the EPD2 screens.

References:

[E-Verify UCD Campus Flow Chart](#)

[E-Verify UC I-9 FAQs](#)

[E-Verify UC Implementation Guidelines and FAQs](#)

Revised October 12, 2010