




Policy Title	I-9: Verification that State Employees are Legally Authorized to Work in the United States
Effective Date	November 1, 2023
Supersedes	May 4, 2023
Approval	 <p style="text-align: right;">Matthew A. Brown State Personnel Director</p>
References	<p>Immigration Reform and Control Act of 1986 (IRCA)</p> <p>Immigration and Nationality Act (INA)</p> <p>Illegal Immigration Reform and Immigration Responsibility Act of 1996</p> <p>The Homeland Security Act of 2002</p> <p>USCIS Handbook for Employers M-274</p> <p>DHS Rule: Optional Alternatives to the Physical Document Examination Associated with Employment Eligibility Verification (Form I-9)</p>

PURPOSE

To establish a consistent procedure for the completion, retention, and storage of Form I-9, Employment Eligibility Verification, (“Form I-9”) and compliance with the E-Verify program for state employees.

SCOPE

This policy shall apply to all agencies in the executive branch of state government who employ individuals in the State Civil Service.

POLICY STATEMENT

The State of Indiana is committed to complying with all laws related to documenting an individual’s authority to work in the United States including verifying the identity and employment authorization of each person hired, completing, and retaining a Form I-9 for each employee, and refraining from discriminating against work-authorized individuals on the basis of national origin or citizenship.

DEFINITIONS

E-Verify: The electronic employment eligibility verification program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 operated by the United States Citizenship and Immigration Services (USCIS). E-Verify is an Internet-based system that compares information entered by an employer from an employee’s Form I-9 to records available to the U.S. Department of Homeland Security and the Social Security Administration to confirm employment eligibility. The State of Indiana participates in the

E-Verify program and must comply with all E-Verify requirements in addition to the federal requirements.

Form I-9: USCIS Employment Eligibility Verification document used to verify the identity and employment authorization of individuals hired for employment in the United States.

Remote Employee: An individual hired to work remotely full-time at the time of hire. Only Remote Employees are eligible for the alternative procedure which does not require the physical examination of acceptable Supporting Documentation. See Section B of Procedures below.

Responsible Party: The Indiana State Personnel Department’s (“INSPD”) Human Resources Representative (“HR”) embedded in the employing agency, or the newly hired employee’s hiring manager, if HR is unavailable on site. The Responsible Party shall be the INSPD HR embedded in the employing agency for handling the completion and review of Form I-9 for a Remote Employee.

Restricted Social Security Card: This card shows a name and social security number and is stamped with one of the following restrictions:

“VALID FOR WORK ONLY WITH DHS AUTHORIZATION”

“VALID FOR WORK ONLY WITH INS AUTHORIZATION”

“NOT VALID FOR EMPLOYMENT”

SuccessFactors: The State’s electronic talent management platform.

Supporting Documentation: Approved documents required to be submitted to the Responsible Party for review to determine the individual’s authorization to work in the United States. The Supporting Documentation must include a document or combination of documents from (i) List A (which shows both identity and employment authorization) or (ii) one document from List B (which shows identity) and one document from List C (which shows employment authorization).

Time of Hire: The beginning of work in exchange for wages or other remuneration. The time of hire is noted on the Form I-9 as the first day of employment.

RESPONSIBILITIES

Employees are responsible for:

- Completing Section 1 of Form I-9 at the Time of Hire;
- Signing and submitting Form I-9 as directed by the Responsible Party on or before the Time of Hire;
- Choosing and providing Supporting Documentation from the Form I-9 Lists of Acceptable Documents to the Responsible Party at the State’s orientation program, or presenting the same Supporting Documentation during the live video interaction if a Remote Employee; and
- Correcting those errors or omissions made in Section 1 of Form I-9.



The Responsible Party is responsible for:

- Monitoring all new hire and rehire events to ensure Form I-9 and E-Verify processes are completed within the required timeframe for each employee and taking appropriate action to address any deficiencies promptly;
- Reviewing the information and ensuring employees fully, properly, and timely completed Section 1 of the Form I-9;
- Reviewing the employee's supporting document(s) and fully completing Section 2 of the Form I-9 within three business days of Time to Hire;
- Initiating the E-Verify process upon completion of the Form I-9 no later than three business days from the Time of Hire; and
- Retaining within SuccessFactors a copy of U.S. passport, passport card, Permanent Resident Card (also called a Green Card) or Employment Authorization Card with Form I-9, if presented.
- If completing the Form I-9 and E-Verify processes for a Remote Employee, in addition to the above,
 - Conducting a live video interaction with the Remote Employee presenting the Supporting Document(s) to ensure the Supporting Documentation reasonably appears to be genuine and related to the Remote Employee;
 - Indicating on the Form I-9, by completing the corresponding box, that an alternative procedure was used to examine documentation to complete Section 2 or for reverification, as applicable;
- Retaining a clear and legible copy of the Supporting Documentation within SuccessFactors (front and back if the documentation is two-sided).

PROCEDURES

The State utilizes SuccessFactors to coordinate the Form I-9 process.

Completing and Submitting Form I-9:

A. Section 1 of Form I-9

A newly hired employee must complete Section 1 of Form I-9 at the Time of Hire.

The employee must enter their Social Security number on Section 1. Employees who have not yet received their Social Security number and who can satisfy Form I-9 requirements may work while awaiting their Social Security number. However, the newly hired employee must enter their Social Security number in Section 1 as soon as they receive it.

B. Section 2 of Form I-9

The Responsible Party must fully complete Section 2 within three business days of the Time of Hire.

In person:

Upon arrival to the State's orientation program, the employee must present the requested Supporting Documentation to the Responsible Party.

The Responsible Party will review the Supporting Documentation by physically examining,

in the physical presence of the newly hired employee, each original document from the employee to determine if the document reasonably appears to be genuine and relates to the person presenting it.

Remote Employee:

If a Remote Employee chooses to utilize the alternative procedure¹, the Remote Employee must first transmit a copy of the requested Supporting Documentation to the Responsible Party and then present the same Supporting Documentation during the live video interaction.

The Responsible Party will review the Supporting Documentation by live video interaction with the Remote Employee to ensure that the documentation reasonably appears to be genuine and related to the Remote Employee.

The Responsible Party will indicate on the Form I-9, by completing the corresponding box, that an alternative procedure was used to examine documentation to complete Section 2 or for reverification.

The Responsible Party will retain a clear and legible copy of the documentation (front and back if the Supporting Documentation is two-sided) in SuccessFactors.

If the employee chooses to present a List B and C combination, the List B (identity only) document must have a photograph.

If the employee presents a Restricted Social Security Card, the Responsible Party must ask the employee to provide a different document from List C or a document from List A.

If the employee presents a receipt, the employee must present the actual document when the receipt validity period ends, or when the employee receives the document, whichever comes first. The Responsible Party cannot accept a receipt showing the employee has applied for an initial grant of employment authorization. The Responsible Party cannot accept receipts if employment is for less than three business days. For a list of acceptable receipts for Form I-9, see Table 1, Acceptable Receipts, linked below.

If an employee presents a U.S. passport, passport card, Permanent Resident Card (also called a Green Card) or Employment Authorization Card, the Responsible Party must retain a copy of it with the Form I-9.

If an employee will work for less than three business days, the Responsible Party must ensure Sections 1 and 2 are completed at the Time of Hire.

The Responsible Party will access E-Verify through SuccessFactors to upload the Required Documentation provided by the Employee that satisfies List A and submit the completed I-9. Once the I-9 is submitted, the Responsible Party will receive an electronic response from

¹ Employers must allow employees who are unable or unwilling to submit documentation using the alternative procedure to submit documentation for physical examination.



E-Verify regarding the employment authorization of the employee. In some cases, E-Verify will provide a response indicating a Tentative Non confirmation (TNC)². In the case of a TNC, the Responsible Party will notify the employee. The employee may not be terminated or subject to any other adverse action because of a TNC.

C. Supplement B of Form I-9

The Responsible Party will reverify an employee's employment authorization by the earlier of the employment authorization expiration date stated in Section 1 (if any), or the expiration date of the List A or List C employment authorization documentation recorded in Section 2.

The employee will present a document that shows current employment authorization, such as any document from List A or C, including an unrestricted Social Security card. Employees are not required to provide the same type of document they presented previously.

Reverification is not required for U.S. citizens, noncitizen nationals, or lawful permanent residents (including conditional residents) who presented a [Permanent Resident Card](#). Reverification is also not required when the following documents expire: U.S. passports, U.S. passport cards, and List B documents.

Correcting Errors or Missing Information on Form I-9:

Employees may only correct errors or omissions in Section 1 of the Form I-9. The Responsible Party may only correct errors or omissions in Section 2 or Supplement B of the Form I-9.

Retaining the Form I-9:

The Indiana State Personnel Department must retain, within SuccessFactors, a Form I-9 for each employee for three (3) years from the date of hire or one (1) year after the date employment ends, whichever is longer.

FORMS & RESOURCES

Form I-9 | uscis.gov/sites/default/files/document/forms/i-9.pdf

Supporting Documentation | uscis.gov/i-9-central/form-i-9-acceptable-documents

Table 1 | uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/40-completing-section-2-employer-review-and-verification

Table 2 | uscis.gov/sites/default/files/document/forms/i-9instr.pdf

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² This does not necessarily mean the employee is unauthorized to work in the United States. Rather, it means E-Verify is unable to immediately confirm the employee's authorization to work.