



<u>Systemwide</u>	
Policy ID & Revision:	3703.0
Title:	Employment Authorization/Verification and Required Employment Forms
Latest Eff. Date:	5/26/2010
Responsible Party:	David G. Keefe, Director of Human Resources
Approved By:	Douglas Reding, M.D., Chair Personnel Review Committee

1. **Scope**
System Wide

2. **Purpose**

The purpose of this policy is to identify the laws and processes that govern employment authorization and verification compliance for new/re-hires of Marshfield Clinic.

The U.S. Citizenship and Immigration Service requires Marshfield Clinic to verify the employment authorization of all workers hired for employment in the United States, regardless of the worker’s immigration status. Employment authorization is verified using the federal Form I-9 and the E-Verify program.

E-Verify is an Internet-based system managed by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), which allows participating U.S. employers to verify a new hire’s legal ability to work in the United States. Employers using the system electronically submit information from a new/re-hire’s Form I-9, which is then automatically checked against the SSA and DHS databases.

Civil and criminal penalties can be severe when non-compliance is demonstrated and may be increased if the DHS determines that an employer knowingly hired unauthorized foreign nationals. Marshfield Clinic will comply with all applicable federal and state work authorization laws, and assure against unlawful employment discrimination by ongoing monitoring, reporting and internal audits.

3. **Policy Body**

3.1 **Federal Form I-9**

A. The law is specific as to when and how Form I-9 must be completed while also instructing employers to be on guard against unlawful discrimination, as it is illegal to discriminate against work-eligible individuals. Form I-9 must be completed for each

newly hired or rehired employee (both citizen and non-citizen) hired after November 6, 1986. It is Marshfield Clinic's policy to collect the completed Form I-9 on the employee's employment start date (first day of orientation/work).

B. The form, list of acceptable documents, and instructions are provided to the employee via the Internet, Human Resources or Physician Recruitment.

There are three main areas of Form I-9 (see Attachment A):

- *Section 1: Employee Information and Verification* – to be completed by the employee within three (3) workdays of their employment start date.

Individuals who are work authorized but have not yet obtained a social security number due to processing times (i.e. H-1B or J-1 visa status), must provide a receipt from the Social Security Administration indicating that they have applied for a SSN. Once the SSN is obtained and provided to Human Resources, the E-Verify process will commence.

- *Section 2: Employer Review and Verification* – It is the responsibility of the new/re-hire to provide documents establishing identification and employment authorization for List A, B, or C. Human Resources staff or designated representatives must physically examine evidence of identity and employment eligibility within three (3) business days of the date the employment begins.

If an employee presents a "List B" identity document during the I-9 process, it can only be accepted if it contains a photo.

- *Section 3: Updating and Re-verification* – It is the responsibility of the employer to track temporary employment authorization and E-Verify no later than the date of authorization expires. The employee must produce an original document demonstrating continued employment authorization. Human Resources staff update the original Form I-9 recording the new document number and expiration date.

C. Marshfield Clinic may not dictate which documents any employee selects to present for the Form I-9, provided that the employee shows either a qualifying document from List A (showing both identity and work authorization, such as a valid U.S. Passport) or one document each from List B (providing identity, such as a Driver's License) and List C (establishing work authorization, such as a Social Security Card). Copies of the accepted documents cannot be accepted.

D. Failure to present the acceptable document(s) within three (3) business days of the employment start date will result in termination of employment. Human Resources will follow up with the employee as to the necessary steps to be compliant if documents are not provided on his/her employment start date.

E. Managers may allow unpaid time for acquisition of forms if no Paid Leave is available. If Paid Leave is available, the time will be deducted from the new hire's PTO

bank.

F. Copies of the provided documents do not need to be made by Marshfield Clinic staff, except when presented with a Permanent Resident Card or an Employee Authorization Document (EAD) for List A. The photos on these documents will be matched against the E-Verify program database and copies will be retained with the employee's Form I-9.

G. Retention of Form I-9: The completed form must be retained for a period of 3 years following the date of hire, or 1 year after the date of termination of an employee, whichever is later. Marshfield Clinic's policy is that all Form I-9s are kept indefinitely. All current employees hired after November 6, 1986 must have the Form 1-9 on file. Form I-9s are filed with each applicable regional Human Resources office.

3.2 Marshfield Clinic Required Employment Forms

A. In addition to required federal and state forms, all new hires and rehires are required to complete internal employment forms in order to be added to the Payroll and Human Resources system database.

B. Employment forms are available to all hires/re-hires via the Clinic's external website and are collected on their employment start date. New hires/re-hires are notified of the requirements via an Employment Alert, Welcome letters and online resources.

3.3 E-Verify Program - Federal Acquisition Regulation (FAR) regulation

A. Marshfield Clinic participates in the E-Verify program to the extent required by law (Executive Order 12989) and as defined by the Federal Acquisition Regulation (FAR). FAR requires federal contractors with contracts containing the FAR E-Verify Clause to use E-Verify as a condition of the contract.

B. The E-Verify program requires contractors to use an electronic verification system to verify the employment authorization of employees performing work under a Federal contract. The verifications are checked against databases with the Department of Homeland Security (DHS) and Social Security Administration (SSA).

C. Commencing on May 28, 2010, Marshfield Clinic will verify:

- All new hires/re-hires system-wide starting employment on or after 5/28/10, regardless of position or connection with a federal contract.
- Current employees identified as performing direct substantial work on a contract containing the FAR E-Verify clause.

4. Procedure

4.1 Employment Verification Program (E-Verify)

Verification of new hires/rehires is completed through the use of the Form I-9. Upon

receipt of Section I (employee information), Human Resources will verify the authorization and identification documents and will proceed with the electronic employment verification (E-Verify). The verification process will be completed at the same time the Form I-9 is processed in Human Resources for maximum efficiency and consistent compliance.

4.2 E-Verify Results

Upon the verification submission, the initial results will either be:

A. Authorized (the employee is authorized to work)

-OR-

B. Tentative Nonconfirmation (TNC) by the Social Security Administration (SSA) or Department of Homeland Security (DHS). Additional DHS results may include "Photo Tool Non-Match" and "Verification in Progress".

4.3 SSA or DHS Tentative Nonconfirmations

A TNC response indicates that the SSA or DHS databases could not initially confirm the employee's personal information against the database records.

A TNC does not mean that the employee is not authorized to work in the United States. The employee must be allowed to continue working until the issue is resolved, the employee voluntarily resigns or is terminated for cause by Marshfield Clinic.

4.4 Social Security Administration Verification

Examples of SSA TNC's may include: Social Security number does not match or is invalid, a name change was not reported to the SSA, or citizenship/immigration status was not updated with the SSA.

If the verification results in a TNC, Human Resources must:

- Inform the employee
- Confirm whether the employee chooses to "contest" or "not contest" the TNC
- Refer the employee to the appropriate agency if the TNC is contested. Human Resources will provide a referral letter to the employee.

A. Contesting the SSA TNC

If the employee chooses to contest the TNC, the employee has eight (8) federal government workdays of referral to contact the SSA office to resolve the discrepancy. No adverse action can be placed against the employee while his/her case is being resolved.

B. Not-Contesting the SSA TNC

If the employee chooses NOT to contest the TNC, receives a Final Nonconfirmation or is a No Show (as stated below), it will result in termination of employment. Through the E-Verify Program Memorandum of Understanding (Article II, Section C – Responsibilities of Employers), Marshfield Clinic may terminate employment with no civil or criminal liability.

4.5 SSA Resolution Responses

After the employee contacts the SSA to resolve the discrepancy, one of the following results will appear on the E-Verify website:

- **Employment Authorized:** Employee contacted the SSA and employment is verified.
- **SSA Case in Continuance:** The response indicates that the employee contacted the SSA but the agency needs more than ten (10) Federal government workdays to confirm employment authorization. Marshfield Clinic must check daily for case status updates. During the time of case review, the Clinic may not terminate or take adverse action against the employee.
- **SSA Final Nonconfirmation:** The SSA could not verify the furnished information. Marshfield Clinic may terminate employment.
- **SSA No Show:** The response indicates that the employee did not contact the SSA and ten (10) Federal workdays have passed since the date of referral, even though the employee indicated they would contest the initial response. The SSA No Show is considered a Final Nonconfirmation and Marshfield Clinic may terminate employment at that time.

4.6 Department of Homeland Security Verification Results

If verification information does not match the DHS database, it will result in one or more of the following:

- **Tentative Nonconfirmation (TNC):** Employment authorization could not be verified.
- **Tentative Nonconfirmation (Photo Tool Non-Match):** The photograph in the DHS records does not match the photograph on the employee-supplied document.
- **Verification in Progress:** Indicates that the non-citizen's information matches the information contained in the SSA records, but did not match DHS records. The case is automatically referred to DHS for further verification.

If the verification results in a TNC, Human Resources must:

- Inform the employee
- Confirm whether the employee chooses to "contest" or "not contest" the TNC

- Refer the employee to the appropriate agency if the TNC is contested. Human Resources will provide a referral letter to the employee.

4.6.A. Contesting the DHS TNC

If the employee chooses to contest the TNC, the employee has eight (8) federal government workdays of referral to contact the DHS office to resolve the discrepancy. No adverse action can be placed against the employee while his/her case is being resolved.

4.6.B. Not-Contesting the DHS TNC

If the employee chooses NOT to contest the TNC, receives a Final Nonconfirmation or is a No Show (as stated below), it will result in termination of employment. Through the E-Verify Program Memorandum of Understanding (Article II, Section C – Responsibilities of Employers), Marshfield Clinic may terminate employment with no civil or criminal liability.

4.7 DHS Resolution Responses

After the employee contacts the DHS to resolve the discrepancy, one of the following results will appear on the E-Verify website:

- **Employment Authorized:** Employee contacted DHS and employment is authorized to work.
- **DHS Case in Continuance:** The response indicates that the employee contacted DHS but the DHS needs more than ten (10) Federal government workdays to resolve the employment authorization to determine a final employment eligibility case result. Marshfield Clinic must check daily for case status updates. During the time of case review, the Clinic may not terminate or take adverse action against the employee.
- **DHS Final Nonconfirmation:** E-Verify cannot provide specific finding after an employee has contacted the DHS. Marshfield Clinic may terminate employment.
- **DHS No Show:** The response indicates that the employee did not contact the DHS, and ten (10) Federal government workdays have passed since the date of the referral, even though the employee indicated they would contest the initial response. This response is considered a Final Nonconfirmation. The employee may be terminated with no civil or criminal liability.

4.8 Terminations

All employment terminations related to Final Nonconfirmation and No Shows will be treated consistent with the Marshfield Clinic Termination Policy. In addition, through the E-Verify Program Memorandum of Understanding (Article II, Section C – Responsibilities of Employers), Marshfield Clinic may terminate employment with no civil or criminal liability.

4.9 Rehires

An employee terminated for reasons due to documentation non-compliance are eligible to be re-instated with prior approval from Human Resources and the hiring manager/department chair, provided the employee can produce appropriate documentation.

5. **Attachments**

- [Form I-9](#)

6. **Keywords**

hiring, employment, hire, verification, authorization, I-9, termination

7. **References**

- [Affirmative Action/Equal Employment Opportunity Policy](#)
- [Hiring Policy](#)
- [Termination Policy](#)

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