

Guidelines for Maintaining I-9s

<p>I-9s (Employee Eligibility Verification)</p> <ul style="list-style-type: none">• The employment eligibility process required by the Immigration Reform & Control Act must be completed in its entirety and within three business days of the date employment begins.• The I-9 form is a US Department of Justice form and is not Company specific. It must be completed in accordance with the instructions provided by the INS, which are contained on the form.	<ul style="list-style-type: none">• Completing the employment verification process:<ul style="list-style-type: none">⇒ New Hires: I-9 must be completed within three days of date of employment⇒ Rehires within three years: You must verify they are still authorized to work in US by either (a) completing a new I-9; or (b) updating the original I-9⇒ Rehires greater than three years: You must complete a new I-9 form• Re-verifying employment authorization for current employees<ul style="list-style-type: none">⇒ When an individual's work authorization expires, you must re-verify employment eligibility on the I-9 form not later than the date the employee's work authorization expires.• Maintaining I-9 forms. I-9s should be kept separate from the personnel file. It is recommended that these forms be retained as a separate set of records and kept in either a separate file or binder. They should be maintained chronologically by year.<p>Rationale: Both the Immigration and Naturalization Service and the Office of Federal Contract Compliance Program have the right to conduct audits of employer's I-9s. If they are filed in the personnel folder, the auditing agency will have access to far more information than required. It is for this reason that I-9s should be kept separate from the personnel file.</p>• Retention of I-9 Forms. Completed I-9 forms must be retained for either (a) three years after the date of hire, or (b) one year after an individual's employment ends, whichever date is later. For example<ul style="list-style-type: none">⇒ Employee A was hired on October 17, 2001. He terminates on November 4, 2002. Three years after his date of hire is October 17, 2004. One year after his termination date is November 4, 2003. You must retain his I-9 until October 17, 2004, which is the later date.⇒ Employee B was hired on November 1, 1997. He terminates on June 15, 2003. Three years after his date of hire is November 1, 2000. One year after his termination date is June 15, 2004. You must retain the I-9 until December 15, 2004, which is the later date.⇒ Employee C was hired on December 14, 1990. She is still employed with the company. You must continue to retain her I-9.
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