

E-VERIFY

What is E-Verify?

E-Verify is an internet-based employment verification system. The system is operated by Department of Homeland Security (DHS) and in partnership with the Social Security Administration (SSA). E-Verify electronically compares information contained on the Form I-9 with records contained 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.

Why must UC participate in E-Verify?

President Bush signed an executive order that amends existing Executive Order 12989. The amended executive order requires all federal contractors to use the U.S. government's E-Verify system to confirm the legal status of their employees.

The new federal rule (73 Federal Register 67651), effective January 15, 2009, requires federal contractors to insert a clause into their federal contracts on the use of E-Verify. Under the final rule, UC (as a federal contractor), along with other Institutions of Higher Education, is required to enroll in E-Verify when awarded a federal contract or subcontract that requires participation in E-Verify as a term of the contract.

Which employees should be verified through the E-Verify system?

UC is required to verify all new hires and existing employees assigned to a qualified covered federal contract awarded after January 15, 2009 that contains the E-Verify Clause and are contracts having a value of at least \$100,000, a performance period of at least 120 days in addition to a subcontract that is defined as one that is a prime contract for services or for construction with the E-Verify clause with a value over \$3,000. The rule applies only to employees working in the United States, which is currently defined to include the fifty States and the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

What is meant by "employees assigned to federal contracts?"

The rule defines an "employee assigned to the federal contract" as any employee hired after November 6, 1986, who is directly performing work in the United States under a contract that includes the clause committing the contractor to use E-Verify. An employee is not considered to be directly performing work under the contract if the employee normally performs support work, such as indirect or overhead functions, and does not perform any substantial duties under the contract.

When are we required to enroll in E-Verify?

A UC location that has been awarded a covered federal contract or subcontract, that contains the E-Verify clause, will need to enroll in E-Verify within 30 days of the award/amendment of the contract. There is then a 90 day phase-in period in which the University has to initiate E-Verify on each new qualified hire assigned to the federal

contract/subcontract. By the end of the 90 day period or within 30 days of being assigned to the qualifying federal contract, whichever is sooner, the E-Verify process must be initiated on each existing employee assigned to the contract.

How will each location know how to work with E-Verify?

To work with E-Verify requirements, a UC system wide work group representing Payroll Divisions, HR, OP General Counsel and contracted legal counsel is currently developing guidelines to assist locations with implementation. The intent is to finalize the guidelines prior to the January 15 rule date.

Will E-Verify be a centralized process?

At this time, the draft guidelines indicate two roles can be established at each location, E-Verify General User and an E-Verify Program Administrator, to permit for both a centralized or decentralized process.

Who will conduct the queries?

The proposed role of the E-Verify General User (at the department level or centralized) who is typically the individual responsible for the appropriate hiring forms in the employment process, including I-9 documents, will perform the E-Verify queries to determine new hire's or existing employee's work eligibility. Each E-Verify General User will be required to complete training and certification.

The proposed role of the E-Verify Program Administrator at each location will be to oversee the E-Verify process and to serve in a lead role to resolve any discrepancies related to E-Verify process.

Does E-Verify certify the immigration status of a new hire who is not a U.S. citizen?

No; E-Verify only confirms a new hire's employment eligibility, not his or her immigration status.

What should the E-Verify General User do if the new employee does not have a Social Security Number (SSN)?

The E-Verify system requires that the new employee have a valid SSN, and there are no exceptions. However, specific steps regarding non confirmation are still in discussion stage by the work group. We do know the employee will need to be instructed to obtain SSN as soon as possible. In the meantime, because you will have completed the I-9 process with that new employee to verify work authorization, your employee is allowed to work temporarily without the SSN or the E-Verify system result.

How can I find out more information about E-Verify?

To find out more information about the E-Verify system, visit www.dhs.gov/e-verify.