

## E-verify: Employee Verification Procedure

**Effective Date:** September 23, 2015  
**Function:** Human Resources  
**Contact:** VP, Human Resources

### Basis for Procedure

Effective September 8, 2009, a presidential amendment to Executive Order 12989 directs federal departments and agencies to require contractors to use a web-based, electronic employment eligibility verification system to verify employment authorization. Employment eligibility queries will be initiated for all employees appointed to the Research Foundation payroll after March 1, 2010. The query may be performed after an offer of employment has been made and accepted and the 1-9 form has been completed and must be completed no later than three days after commencement of work. For example, if an employee is hired on Monday, the E-Verify query must be completed by Thursday of that week.

Employment eligibility queries will be initiated for all current employees hired after November 6, 1986 who are performing work directly on a covered contract or subcontract which contains the Federal Acquisition Regulation (FAR) clause requiring verification.

### Procedure Summary

#### Enrollment

The Research Foundation for SUNY central office of Human Resources, is enrolled in the E-Verify system as the Corporate Administrator and can manage location accounts.

Each campus location is enrolled as an E-Verify user account and has designated program administrator(s) for the site. Program administrators must complete an online tutorial and mastery test before performing the first E-Verify query and assigning additional General Users at their location.

#### Notifying Employees

All campus locations are required to post the [E-Verify Right to Work Poster](#) and the [E-Verify Participation Poster](#), which can be found [Posting Notices](#).

#### 1-9

Data is entered into the E-Verify system from the employee 1-9 form. Employees are permitted to present any document or combination of documents acceptable by law (listed on the back of the 1-9 form). However, List B identity documents must contain a photo and the employee must supply their social security number in Section 1 of the form. If a noncitizen does not have a Social Security Number (SSN) at the time of hire, the E-Verify query may be submitted after a social security number is obtained.

If an employee presents a permanent resident card or an employment authorization document, a copy of the front and back must be retained with the 1-9 form.

If a query is being submitted for a current employee who is assigned to a covered contract, a new 1-9 form must be completed and data from the new form should be entered into the E-Verify system. Staple the existing t-9 form to the new form.

Upon completion of the verification, the case verification number should be noted on the 1-9 form and a print out of the case details page should be attached.

For more information on I-9 forms and E-Verify implications refer to: [Employment Eligibility Requirements: The I-9 Process](#).

## Verification

### *New Employees*

After the 1-9 form is completed, the following outlines the steps that need to be taken to enroll a new employee:

Step	Role or Responsibility	References or Tips
Log-in to E-Verify with assigned user ID and password	HR Administrator or person responsible for running E-Verify queries	N/A
Under <i>Case Administration</i> , select <b>Initial Verification</b> (for both new and rehired employees)	HR Administrator or person responsible for running E-Verify queries	N/A
Complete fields using data from Sections 1 and 2 of the employee's I-9 Form Note: A red asterisk to the right of a text box indicates a required field. <b>Employer Case ID</b> is an optional field if you wish to assign an internal tracking number to the case.	HR Administrator or person responsible for running E-Verify queries	N/A
Receive E-Verify result (See Verification Results section below). User may be asked to verify information entered, and then select <b>Continue Verification</b> to receive results.	HR Administrator or person responsible for running E-Verify queries	N/A

Note: See [E-Verify User Manual for Federal Contractors](#) for more detailed system steps.

### *Existing Employees*

Existing employees who are working on an E-Verify covered contract will need to be verified through the E-Verify system within 30 days of assignment to the contract. The following outlines the steps that need to be taken:

Step	Role or Responsibility	References or Tips
Pull existing employee I-9 form from file	HR Administrator or person responsible for running E-Verify queries	N/A
Complete new I-9 using the most current version and conforming to E-Verify requirements (i.e. SSN required, List B Document contains photo) Note: Use the original hire date on the new I-9	HR Administrator or person responsible for running E-Verify queries	N/A
Staple the two I-9's together with a note on top of the new I-9 reading "New I-9 for E-Verify Purposes"	HR Administrator or person responsible for running E-Verify queries	N/A
Complete E-Verify query as outlined in the steps above	HR Administrator or person responsible for running E-Verify queries	N/A

## **SUNY IFR Employees Performing Work on a Covered Contract Break in Service**

For employees who have a break in service and are rehired within 3 years of the date of the initial execution of form I-9, a new E-Verify case does not have to be generated if a query was run previously, unless a new Form I-9 is required in the reverification process. For employees rehired more than three (3) years from the initial execution date of the previous Form I-9, a new I-9 must be completed. Whenever a new Form I-9 is required, an E-Verify query must be run.

*Note: If an E-Verify case was previously created, it must have an Employment Authorized result in order to be considered valid. Any other final result would require a new case to be generated.*

## **Seasonal Appointments**

If an employee is Seasonal, with a reasonable expectation of continuing employment from one period of employment to the next, a rehire is not considered to have taken place for I-9 purposes despite an interruption in employment. Therefore an E-Verify query is not required with each summer appointment.

Summer Only employees with a break in consecutive appointments must follow the appropriate process for rehires as described in the break in service section of this policy.

Note: For more guidance on what to do and each situation, refer to the [I-9/E-Verify Quick Reference Table](#).

## **Photo Match Tool**

The photo matching tool is an automatic part of the initial verification in E-Verify that will prompt a comparison of an employee's photo ID with a photo displayed on the E-Verify screen. The photo matching step occurs automatically when an employee presents a Permanent Resident Card (I-551) or an Employment Authorization Document (I-766) for the I-9 Form documentation.

The photo on the E-Verify screen and on the document presented should be compared. Those photos should not be compared to the employee. The photos should be the same, taking into account age and wear of the document and the quality of your computer screen.

## **Verification Results**

### **Employment Authorized**

This response indicates that employment authorization is verified and the case may be resolved. The case verification number should be recorded on the I-9 and the case details page should be printed and attached to the I-9 form. No other steps need to be taken in the E-Verify system for this employee at this time.

### **Social Security Administration Tentative Nonconfirmation (SSA TNC)**

A Social Security Administration Tentative Nonconfirmation (SSA TNC) response indicates that the employee's Social Security information could not be verified. This does not mean that the employee is not authorized to work, and they should remain on payroll and working. An SSA TNC may occur because the employee's name, SSN, or DOB is incorrect in SSA records, a name change was not reported to SSA, or citizenship or immigration status was not updated with SSA.

The following outlines the steps to be taken when an SSA TNC is received:

Step	Role or Responsibility	References or Tips
Notify the employee of the TNC as soon as possible	HR Administrator or person responsible for running E-Verify queries	N/A
Select <b>Notification to Employee</b> in the E-Verify system to display the TNC notice. The <i>Notice to Employee of Tentative Nonconfirmation</i> will appear.	HR Administrator or person responsible for running E-Verify queries	N/A
Print the <i>Notice to Employee of Tentative Nonconfirmation</i> . Provide the notice to employee and review. The employee must indicate whether they want to contest the TNC. Select <b>Contest</b> or <b>Not Contest</b> in E-Verify system.	HR Administrator or person responsible for running E-Verify queries	N/A
Employee must sign and date the notice in the <i>Signature of Employee</i> area and the federal contractor must sign and date the notice in the <i>Signature of Employer Representative</i> area.	HR Administrator or person responsible for running E-Verify queries	N/A
Give copy of signed notice to employee and file the signed notice with the employee's I-9 Form.	HR Administrator or person responsible for running E-Verify queries	N/A
If employee does not contest the TNC, select <b>Resolve Case</b> . Notify employee that they will be terminated.	HR Administrator or person responsible for running E-Verify queries	N/A
If employee contests the TNC, select <b>Initiate SSA Referral</b> in the E-Verify system which will allow SSA electronic access to the employee's case when he/she visits the SSA field office to resolve the discrepancy. No action should be taken against the employee while they work to resolve the TNC.	HR Administrator or person responsible for running E-Verify queries	N/A
Access the employee's case details page in E-verify system and select <b>Notification to Employee - Referral to Social Security Administration</b> . Print the <b>SSA Referral Letter</b> and both RF representative and employee should sign and date.	HR Administrator or person responsible for running E-Verify queries	N/A
Give employee copy of signed <b>SSA Referral Letter</b> and file with the employee's I-9 form. Instruct employee to take the letter to the SSA office within 8 federal government workdays. The referral letter provides specific instructions for the employee on how to contact SSA to correct his/her records.	HR Administrator or person responsible for running E-Verify queries	N/A
Check E-Verify regularly to check the employee's verification status. The TNC should be formally reviewed on the 10th day after the referral is entered into the system.	HR Administrator or person responsible for running E-Verify queries	N/A

**E-Verify will respond to the SSA TNC with one of the following:**

- Employment Authorized - This response indicates that employment authorization is verified and the case may be resolved. The case verification number should be recorded on the I-9 form and the case details page should be printed and attached to the I-9 form.

- SSA Final Nonconfirmation - See Final Nonconfirmation section below.
- SSA Case in Continuance - Employee has visited SSA, but SSA needs more time to confirm employment authorization. Check the system daily to see if case status has been updated. No adverse action should be taken against the employee.
- DHS Verification in Process - See DHS Verification in Process section below.
- Review and Update Employee Data - SSA is requesting you to review and update the employee information entered into E-Verify and resubmit the case. Review with the employee the accuracy of the information provided on the I-9 form and update as necessary. Access employee's case details page and select **Modify SSA Information** to make any necessary changes, then select **Initiate SSA Resubmittal**. Note - you may only resubmit a case once.
- SSA No Show - Employee did not contact SSA and 10 workdays have passed since date of referral. Considered a Final Non-confirmation - see Final Non-confirmation section below.

#### **DHS Verification in Process**

- This response indicates that the non-citizen's information matches the information contained in Social Security Administration records, but did not match DHS records. The case is then automatically referred to DHS for further verification. DHS will usually respond to these cases within 3 work days. The E-Verify system should be checked daily for a response.
- The DHS Verification in Process may yield the following results:
- Employment Authorized - This response indicates that employment authorization is verified and the case may be resolved. The case verification number should be recorded on the I-9 form and the case details page should be printed and attached to the I-9 form.
- DHS Tentative Nonconfirmation - This response indicates that employment authorization could not be verified. This may occur because the employee's information does not match DHS records, ID photo differs from the photo in DHS records, or citizenship or immigration status has been changed.
- DHS Tentative Nonconfirmation (Photo Tool Non-Match) - This response indicates that you determined that the photo on the employee's document does not match the photo supplied by E-Verify. Inform the employee of the DHS TNC and the option to contest using the steps in the DHS Tentative Non-confirmation section below.
- DHS Case in Continuance - This response indicates DHS needs more time to resolve employment authorization. Wait for a definitive response before resolving case.  
The following outlines the steps to be taken when a DHS TNC (with or without Photo Tool Non-Match) is received:

Step	Role or Responsibility	References or Tips
Notify the employee of the TNC as soon as possible.	HR Administrator or person responsible for running E-Verify queries	N/A
Select <b>Notification to Employee</b> in the E-Verify system to display the TNC notice. The <i>Notice to Employee of Tentative Nonconfirmation</i> will appear.	HR Administrator or person responsible for running E-Verify queries	N/A
Print the <b>Notice to Employee of Tentative Nonconfirmation</b> . Provide the notice to employee and review. The employee must indicate whether they want to contest the TNC. Select <b>Contest</b> or <b>Not Contest</b> in E-Verify.	HR Administrator or person responsible for running E-Verify queries	N/A
Employee must sign and date the notice in the <i>Signature of Employee</i> area and the federal contractor must sign and date the notice in the <i>Signature of Employer Representative</i> area.	HR Administrator or person responsible for running E-Verify queries	N/A
Give copy of signed notice to employee and file the signed notice with the employee's I-9 form.	HR Administrator or person responsible for running E-Verify queries	N/A
If employee does not contest the TNC, select <b>Resolve Case</b> . For assistance in determining next steps contact RF Central Office.	HR Administrator or person responsible for running E-Verify queries	N/A
If employee contests the TNC, select <b>Initiate DHS Referral</b> which will allow DHS electronic access to the employee's case when he/she calls DHS to resolve the discrepancy. The <i>Confirm Employee</i> notification page will appear and you must select <b>Notified</b> or <b>Not Notified</b> . If Notified, the <i>DHS Referral Letter</i> will appear. Print and review with employee. The letter provides instructions on how to contact DHS. The employee has 8 work days to initiate the resolution. No action should be taken against the employee while they work to resolve the TNC.	HR Administrator or person responsible for running E-Verify queries	N/A
Both you and employee will sign the referral letter and provide a copy to employee and file with I-9 form.	HR Administrator or person responsible for running E-Verify queries	N/A
Check E-Verify daily for a response. The TNC should be formally reviewed on the 10th day after the referral is entered into the system.	HR Administrator or person responsible for running E-Verify queries	N/A

### Final Nonconfirmation

If a Final Nonconfirmation is received, the RF will take action up to and including termination of employment. Employment of an employee with a Notice of Final NonConfirmation cannot be continued without central office human resources and legal review and approval. If it is determined that the employee is authorized to work, and the RF is legally able to continue employment, campus administrators must work to resolve the case in E-Verify. DHS must be notified of the continued employment. Thorough documentation of work eligibility must also be kept in the personnel file.

## Monitoring

Following are Queries in Report Center that have been developed for E-Verify monitoring purposes (using the XXX HR ALL responsibility):

- **HR\_E\_Verify\_New\_Hires** - Report of all new RF employees after March 1, 2010 who have an E-Verify status that is not "Authorized".
- **HR\_E\_Verify\_EMPS ON FEDERAL CONTRACTS SUBJECT TO E-VERIFY** - Report of RF employees who are working on an E-Verified covered contract (as indicated by the award establishment flag set to Yes) and have an E-Verify status that is not "Authorized".
- **HR\_E\_Verify\_IFR ON FEDERAL CONTRACTS SUBJECT TO E-VERIFY** - Report of SUNY IFR's who are working on an E-Verified covered contract (as indicated by the award establishment flag set to Yes) and the SUNY Notification field in the E-Verify flex field is set to "No".

We suggest that campuses run the queries at least monthly to monitor that all employees are being appropriately verified.

Additionally, the E-Verify system has the following reports available to Program Administrators:

- **Corporate Overview of Pilot Usage** - Displays number of cases initiated by campus within a fiscal year.
- **User Audit Report** - Provides summary level case data about each case that matches the user entered query criteria. Includes case verification number, date case was initiated, SSN, alien number, I-94 number, last name, first name, initial verification eligibility, additional verification eligibility, third-step eligibility and employer resolution code.
- **User Report** - Displays a detailed list of campus users.

## Definitions

*E-Verify*- E-Verify is a web-based system that allows an employer, using information reported on an employee's Form I-9, to verify an employee's identity and eligibility to work in the United States. The E-Verify system is operated by the U.S. Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA).

*Corporate Administrator*- Manages multiple company accounts from a central location. Can unlock accounts, view reports for multiple company sites, and register and administer company sites and user accounts.

*Program Administrator*- Creates user accounts for other Program Administrators and General Users. Can view reports, perform queries, update profile information and unlock user accounts.

*General User*- Can perform verification queries, view reports, and update their personal user profile.

*Seasonal Appointment*- Seasonal employees are defined as those individuals who possess a reasonable expectation of continued employment from one period of the year to the next. An example of this at the RF is Summer Only appointments.

## Related Information

[Employment Eligibility Requirements: The I-9 Process](#)

[New Employee Process](#)

[Employment Eligibility Policy](#)

[Posting Notices](#)

[E-Verify User Manual for Federal Contractors](#)

[I-9/E-Verify Quick Reference Table](#)

## Forms

[E-Verify Notice to IFR Appointment Forms](#)

### Change History

Date	Summary of Change
September 23, 2015	Update various sections to reflect I-9 and E-verify policy clarification and citations
November 1, 2014	Updated to include information on E-Verify requirements for rehired employees.
November 8, 2010	Updated name of Discoverer query to remove 650
March 20, 2010	Added monitoring section, details on deadline to recheck system in TNC cases, and links to Agreement documents
February 1, 2010	New Document
February 19, 2010	Added details on initial log-in for campus enrollment

### Feedback

Was this document clear and easy to follow? Please send your feedback to [webfeedback@rfsuny.org](mailto:webfeedback@rfsuny.org).