Name: _____

Phone: _____

Electronic Form I–9 Completion and Storage System Compliance

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Thursday, Oct. 29
2:30–3:30 p.m.

ASA
American Staffing Association

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CCP TSC CSC CHP
1.0 LEGAL CE

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Form I-9

November 1986

— Congress passes the Immigration Reform Control Act (IRCA), requiring employers to complete a Form I-9 for every new hire, verifying identity and authorization to work.

Form I-9

In keeping with the state of technology in 1986, the options to store Form I-9 were:

- paper
- microfilm; or
- microfiche

Form I-9

It wasn't until 2006 that Department of Homeland Security even contemplated electronic completion and/or storage of Form I-9s.

Electronic Form I-9

First iteration was a PDF-fillable field form that could be completed online, but still needed to print and maintain hard copies.

Electronic Form I-9

As vendors came to fill the void with electronic options, Department of Homeland Security finally released regulations in 2010 governing electronic completion and storage.

These are the guidelines we still use today in evaluating compliance of electronic I-9 products.

Key Features of Electronic Systems

- Form I-9
- Electronic Signature
- Security
- Business Processes of Electronic Storage

Form I-9

- Legible on screen and in printed form
- No change is made to the name, content or sequence of the data elements and instructions; and
- No additional data elements or language are inserted. For example:
  - visa type:
  - branch office:

Electronic Signature

- Must allow signatories to acknowledge that they read the attestation:
    - which must mirror the language on the form
- Must "attach" it to Form I-9, with date and time
- Must create and preserve a record of the identity of the person producing the signature
- Be able to print confirmation of transaction, if printed.

Security

- Only authorized personnel have access
- Provides for backup and recovery vs. loss
- Training of users to prevent inadvertent loss
- Audit trails to document
    - creation;
    - completion;
    - updates;
    - modifications;
    - alterations; or
    - corrections

Business Processes

Written documentation to support how the system works, including:
- Creation of Form I-9;
- Modification;
- Maintenance/Storage
- Audit Trails

Business Processes

- Controls to:
  - Ensure integrity, accuracy and reliability
  - Prevent and detect unauthorized or accidental access/deletion/modification
- Inspection and Quality Assurance
  - Regular check-ups to make sure it works
- Indexing System
- Printability

Consequences

If _any_ one of these items is missing, treated as if no I-9.
  - See Abercrombie and Fitch

Electronic I-9 Products

Steer clear of I-9 embedded in onboarding software:
- Widespread access
- No Security
- No Audit trails
- No indexing

Electronic I-9 Products

Must do a demo of product:
- Do all of the fields mirror actual Form?
  - Focus on attestations
- Any extra fields?
- Any pre-population?

E-Verify

Does the tool allow for an interface with E-Verify?
- Are the prompts identical to what is on DHS' website?
- Does it run another E-Verify query when you complete Section 3 reverification?

Did you find it?

If you think so, then what?

Vendor Contracts

Focus on key provisions:

- Term;
- Responsibilities of the Parties;
- Warranties; and
- Limitation of Liability.

Vendor Contracts

Focus on key provisions:

- Termination;
  - How?
  - For what reason?
  - What cost?
  - How is data transferred?

Electronic
I-9 Products

Benefits are many, but consequences are high.

Make sure you are not making matters worse.

Questions?

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Thank you for attending this
Staffing World 2015 workshop

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