

Maintaining I-9s: Top 10 do's and don'ts

Issue: Mistakes in processing employment eligibility verification forms can still land you in trouble.

Risk: Discrimination claims; penalties of up to \$10,000 per employee.

Action: Take stock of your I-9 compliance.

Don't get sloppy with your I-9 employment eligibility verification forms, even if you figure the feds are too busy looking for terrorists to bother checking out *your* worker documentation.

Yes, the U.S. Citizenship and Immigration Services concentrates more on security-related sites such as airports and water supplies in the wake of Sept. 11, 2001. But it will respond to complaints, including those filed by employees bumped from jobs by illegal workers. And penalties can be high: Poor documentation can cost you \$1,000 per worker, and knowingly hiring an illegal alien can result in a \$10,000 per-worker fine.

To sidestep potential legal trouble and discrimination complaints, follow these I-9 do's and don'ts:

1. Do require all new hires to complete and sign Section 1 on their

first day of work.

2. Don't ask an applicant to complete an I-9 *prior* to extending a job offer.

Unhired applicants can use I-9 information to allege that you discriminated against them.

3. Do review each employee's documents to make sure they're on the I-9's list of acceptable documents and that they appear genuine. (For the list, see www.uscis.gov/graphics/formsfee/forms/i-9.htm.)

4. Don't ask new hires for any particular documents or for more documents than the I-9 requires. The employee chooses the documents, not you.

5. Do establish a consistent procedure for completing I-9s, and educate your hiring managers.

6. Don't consider the expiration date of I-9

documentation when making hiring or firing decisions.

7. Do make and retain copies of all I-9 documentation provided. (This isn't mandatory, but it's a good idea.)

8. Don't forget to keep a tickler file to follow up on expiring documents that limit the employee's authorization to work. You don't have to reverify identification documents, such as driver's licenses.

9. Do keep I-9s and copies of documents for three years after the employee's hire date or one year after his termination, whichever comes later.

10. Don't put the Form I-9 in an employee's personnel file. To protect your company against discrimination claims, keep the I-9 and supporting documentation in a separate file.