0310.10 Form I-9 and E-Verify

University of Maine System requires that all newly hired employees complete the latest version of Form I-9, which is available online via the HR Portal or Employee Self-Service. To locate the fillable PDF, please visit: Form I-9 fillable.pdf. Forms received in the old format will not be accepted by the Office of Human Resources.

- Purpose of I-9 Form:
  - Continuing Employment versus Break in Service
- Responsibility of Employees and Employers:
  - E-Verify
  - I-9 Reciprocal Processing Consortium
  - Storing Forms I-9:
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  - Steps for Missing Form I-9:
  - Reverification (Section 3) Guidelines:
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      - Continuing Employment versus Break in Service
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Purpose of I-9 Form:

Form I-9 is used for verifying the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens.

Continuing Employment versus Break in Service

Rehired employees also need to complete Form I-9; refer to the following site for additional information regarding continuing employment guidelines.

- Continuing Employment | USCIS
- Skip to Rehires section

Responsibility of Employees and Employers:

Both employees and employers (or authorized representatives of the employer) must complete the form. On the form, an employee must attest to his or her employment authorization. The employee must also present his or her employer with acceptable documents evidencing identity and employment authorization. The employer must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and to relate to the employee and record the document information on the Form I-9. The list of acceptable documents can be found on the last page of the form. The Office of Human Resources is responsible for the retention of Form I-9 and make it available for inspection by authorized government officers. (https://www.uscis.gov/i-9). Forms are not to be stored in department offices.

Questions:

Please visit https://www.uscis.gov/i-9 for more information about Form I-9. For information about policies and procedures related to Form I-9, please contact your HR Partner.

E-Verify

E-Verify is an Internet-based system operated by the Department of Homeland Security, U.S. Citizenship and Immigration Services that allows employers to verify the employment eligibility of employees. UMS currently uses E-Verify to verify only employees assigned to a covered Federal contract. A photo ID is required for verification purposes; therefore a new form I-9 may be required for the E-Verify process. E-Verify requires UMS to compare the completed I-9 (Social Security Number is required) with USCIS data. If an employee has already been verified for UMS through E-Verify, they do not need to be verified again; if they have been verified through E-Verify for another company, they will need to be verified for UMS. The E-Verify information for UMS is:

- Company Name: University of Maine System
- E-Verify Company Identification Number: 272421

I-9 Reciprocal Processing Consortium

The University participates in the CUPA-HR Reciprocal Processing Consortium. CUPA-HR provides this platform for members to assist one another in the timely processing of I-9s.
Storing Forms I-9:

Employers must retain Form I-9 for a designated period and make it available for inspection by authorized government officers. The Office of Human Resources is responsible for the retention of paper Form I-9 in employees' imaged file. Forms are not to be stored in department offices. The Form I-9 must be a separate document in ImageNow.

Invalid or Incomplete Forms:

Human Resources will review the submitted form for validity and completeness before updating the employee record to indicate it's received. Invalid or incomplete forms received by payroll will be forwarded to the appropriate HR Partner for review.

Common I-9 mistake and things to be on the lookout for include:

- Use most current version of PDF form (MaineStreet version and these instructions will be updated before the Oct. 31, 2023 deadline.
- N/A should be added to any box not applicable to employee such as "other last name" or perhaps "Apt. Number". Preparer and/or Translator Certification box should be completed as well.
- Section 1 - Employee completed
  - legal name
  - home address (no P.O. boxes: U.S./local address if they are a nonresident alien)
  - date of birth (Social Security number is not required on form, however it is required for employment purposes- please ask to see the card if number not entered and SS card not presented)
  - citizenship status
  - signed and dated (make sure this signature date is valid as oftentimes employees will enter their date of birth here)
- Section 2 - UMS representative completed
  - documents presented are written in correct List A, B or C column
  - first date of employment is filled in
  - signed and dated
  - employer representative information is completed

If an invalid paper form is submitted, follow these steps:

As long as the Form I-9 documentation presented was acceptable under the Form I-9 rules that were current at the time of hire, employers may correct the error by stapling the outdated completed form to a blank current version, and signing the current blank version noting why the current blank version is attached (e.g., wrong edition was used at time of hire). In the alternative, employers may draft an explanation and attach it to the outdated completed Form I-9 explaining that the wrong form was filled out correctly and in good faith.

Name Changes:

If an employee has a legal name change, they must present a new Social Security card with the new name. The name can be changed in MaineStreet to the name shown on the new card. The (imaged paper) Form I-9 must also be updated with the new name.

Steps for Missing Form I-9:

If an employee does not complete the Form I-9 by third day of employment, they must stop working immediately.

HR Partners must contact the supervisor and complete the Missing I-9 Form. The Missing I-9 Form will provide Payroll with details regarding any pay owed and subsequent termination of record.

Reverification (Section 3) Guidelines:

Rehires:

Continuing Employment versus Break in Service

Rehired employees also need to complete Form I-9; refer to the following site for additional information regarding continuing employment guidelines.

- Continuing Employment | USCIS
- Skip to Rehires section

Employers may complete Section 3 when an employee is rehired within 3 years of the date that Form I-9 was originally completed. Since Section 3 - Reverification must be completed on the most current version of Form I-9, HR Partners and representatives may either submit a completed Form I-9 with all Sections fully completed or Section 3 on the most recent version of the Form I-9.

Rehired employees will show on the Missing I-9 report.

Expired Employment Authorization Documents:
Employers must complete Section 3 when the employee’s employment authorization or documentation of employment authorization has expired ("reverification").

If an employee selects option 4 in Part 1 (Alien authorized to work in US), they must present documents that have not expired. Employers must also reverify documents before they expire.

When the employee’s employment authorization expires, we must reverify to ensure the employee is still authorized to work. To find out if the employee’s employment authorization expires, look in Section 1 for the date that employment authorization expires and in Section 2 for the date that the employment authorization document expires.

The employment authorization expiration date provided by the employee in Section 1 may not match the document expiration date recorded under List A or List C in Section 2. The earlier date must be used to determine when re-verification is necessary. The document expiration dates will be entered on the employee’s Visa page in MaineStreet and a Monitor And Change (MAC) message will generate when the document expires.

It is recommended that we remind employees, at least 90 days before the date re-verification is required, that they will be required to present a List A or List C document (or acceptable receipt) showing continued employment authorization on the date that their employment authorization or documentation whichever is sooner, expires. A Monitor And Change (MAC) message will generate 90 days prior to the document expiring.

For more information, please visit:

https://www.uscis.gov/i-9-central/52-reverifying-or-updating-employment-authorization-rehired-employees


Additional Foreign National Information

Many employees and visitors are present in the U.S. on temporary visas. An individual present in the U.S. on a temporary visa, who is not a tax resident of the U.S., is considered to be a “Non-Resident Alien”. Non-resident aliens have special taxation rules and may be able to claim tax treaty benefits for reduced federal taxation. Employees who hold Permanent Resident Cards or who are in the U.S. on an H1b visa are treated like U.S citizens and are subject to all taxes similar to a U.S. citizen accordingly.

When a paper or online Form I-9 is received that indicates the employee is a non-resident, Payroll will follow up and request additional Information about the employee's status, via the Foreign National Information Form, to ensure payroll taxes are set up accordingly. For more information visit: 1040.30 Tax Withholding for Nonresident Aliens

Social Security Numbers

The Social Security Number (SSN) is not a required field on the Form I-9, however the SSN is required of all employees in the U.S. Most non-residents arrive to the U.S. without a SSN. Non-resident employees may begin working before applying for a SSN, but it is required that they apply and provide the number to the University in a timely manner. Employees should present their Social Security Card in person to an HR staff member for entry into MaineStreet.

Reporting

Automated report sent from HRIS to HR Partners on a daily basis:

1. Active employees who are missing a Form I-9
2. Active non-resident employees who have an expired work authorization document.
3. Active non-resident employees who have a work authorization document that will expire within the next 90 days.

Payroll will also follow up on active non-resident employees who have not yet provided a completed Foreign National Information Form.

Forms and Resources:

- Section 1 Employee Information and Attestation: https://www.uscis.gov/i-9-central/complete-correct-form-i-9/completing-section-1-employee-information-and-attestation
- Section 3 - Reverification and Rehires Guidelines: https://www.uscis.gov/i-9-central/complete-correct-form-i-9/completing-section-3-reverification-and-rehires
- Form I-9 Quick Guide
- USCIS M-274 Handbook for Employers
- USCIS Form I-9 Instructions
- CUPA HR I-9 Consortium

Related Articles

- 0310.10 Form I-9 and E-Verify > Form I-9 Guide 2020-04-30.pdf
- 0310.10 Form I-9 and E-Verify > Fillable Form I-9.pdf
• Forms > Form I-9 fillable.pdf
• How to Complete Form I-9 Employment Eligibility Verification via Employee Self-Service
• How to Complete Form I-9 MaineStreet as Manager
• How to Complete Form I-9 MaineStreet as Administrator
• 0310.10 Form I-9 and E-Verify
• How to Complete Form I-9 with Examples
• Nonresident Frequently Asked Payroll Questions