



DEPARTMENT OF PERSONNEL
209 East Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
<http://dop.nv.gov>

MEMO PERD #27-08

May 8, 2008

TO: Agency Personnel Representatives & Liaisons

FROM: Todd Rich, Director
Department of Personnel *T. R. Rich*

SUBJECT: Form I-9 Processing

Due to recent information received by the Department of Personnel (DOP), I would like to clarify the process for completing and retaining Form I-9s to ensure compliance with federal regulations and consistent practices throughout the State.

Over the past month, the DOP has been researching effective ways to verify employment eligibility. One possible solution that was considered was using the Department of Homeland Security's E-Verify online system, which determines new hire employment eligibility and social security number validation. Currently, this is a pilot program and funds are due to expire in November 2008. It is uncertain whether this program will be funded in the future.

Another system that was reviewed was the Social Security Number Verification System (SSNVA), which allows you to verify social security numbers electronically through the Social Security Administration's (SSA) secure website. Unfortunately, there is currently a lawsuit pending against the use of this system. Considering the uncertainty of both programs, it is in our best interest to delay implementing either of them. However, we will continue to monitor them for future consideration.

In the meantime, it is important for you to read over the instructions on completing the Form I-9 found in the *Handbook for Employers - Instructions for Completing the Form I-9* at <http://www.uscis.gov/files/natedocuments/m-274.pdf>. Review of this document will ensure that you are following federal guidelines and accepting the proper forms of identification. Additionally, below are important points to remember:

Completing Form I-9

- Do not attach photocopies of the documentation used to verify identification and employment eligibility to the Form I-9, with the exception of a temporary work permit.
- A completed Form I-9 is required for all new hires and for seasonals, rehires or reinstatements upon returning to work.
- For interdepartmental and Supreme Court transfers do not complete a new Form I-9, as it will be on file with the DOP Records Section. The only exceptions are LCB and University transfers, as these employee records were originally maintained by those entities.
- **All Form I-9s must have a Budget Account number and Employee ID number noted on the top right-hand corner of the document.** This information is required in order for the Records Section to file the document.

Maintaining Form I-9 Records

- Federal guidelines require employers to keep completed Form I-9s on file for three years after the date of hire or one year after the date employment ends, whichever is later.
- The DOP's Records Section is responsible for maintaining the original Form I-9s in accordance with federal regulations.
- Agencies shall not keep copies of completed Form I-9's from this point forward unless the employee has a temporary work permit. Agency Personnel Representatives and Liaisons are responsible for monitoring expiration dates on temporary work permits. In this case, it is necessary to keep a copy of Form I-9 to track the expiration date and to provide updated information (Refer to Form I-9, Section 3.) to the Records Section if the work permit is extended.
- If an employee is working under a temporary work permit and transfers to another agency, the Agency Personnel Representatives and Liaisons are responsible for informing the "Transfer-In" agency of this status by providing them a copy of the Form I-9.
- Agencies shall continue to retain copies of all completed Form I-9's in their possession prior to issuance of this policy memo. These copies must be kept in a separate file and in a secure location until further notice. As time allows, the Department of Personnel will be verifying that a Form I-9 is on file in the Records Section for all employees in accordance with federal guidelines. Until you are notified that this verification is complete, do not destroy any Form I-9s maintained in agency files unless they have meet the federal retention requirements (see the first bullet above).

We appreciate your cooperation in implementing this new practice. If you have any questions regarding the completion of Form I-9, please contact Cynthia Martinez at 775-687-9088 or cmartinez@dop.nv.gov.