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**MEMORANDUM**  
**HR#29-20**

March 31, 2020

**TO:** Agency Personnel Liaisons  
Personnel Technicians

**FROM:** Peter Long, Administrator *Peter Long*  
Division of Human Resource Management

**SUBJECT:** I-9 TEMPORARY REVISIONS

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With strict social distancing in place for many employers, the Department of Homeland Security (DHS) has announced some flexibility in the requirement for in-person verification of documentation for Form I-9. This flexibility only applies to the 2<sup>nd</sup> page of the Form I-9; all other requirements of the form remain in place. <https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>

Per the DHS announcement:

*“This provision only applies to employers and workplaces that are operating remotely. If there are employees physically present at a work location no exceptions are being implemented at this time for in-person verification of identity and employment eligibility documentation for Form I-9.”*

Outlined below are the modified requirements for remote workplaces:

1. Employers will not be required to review the employee’s identity and employment authorization documents in the employee’s physical presence. These documents can be presented via video conferencing, fax or email.

PLEASE NOTE: Although DHS has allowed for documents to be emailed, DHRM-Central Records strongly advises against employees providing documents via email, as those documents contain confidential information. Email is a public record and subject to public access through NRS Chapter 239.

2. Employers are still required to obtain and inspect these document(s) via video conferencing, fax, or email within three business days for purposes of completing Section 2.
3. Employers will note “**COVID-19**” as the reason for the physical inspection delay in the *Additional Information* box on page 2 of the Form I-9.
4. This provision will be implemented for 60 working days from the date of the notice (March 20, 2020) or within 3 business days after the termination of the National Emergency, whichever comes first.
5. Employers who avail themselves of this option MUST provide written documentation of their remote onboarding and telework policy for each employee. This burden rests solely with the employers.

Once normal operations resume:

1. Employees who had documents reviewed remotely, must present those same documents to their employer within **3 business days** for in-person examination.
2. Upon review, the employer is required to write “**Documents Physically Examined**” with the date of inspection written in the *Additional Information* box on the 2<sup>nd</sup> page of the Form I-9.

Below is the process for agencies served by the Division of Human Resource Management (DHRM), Central Records section:

Onboarding an employee:

1. Provide DHRM-Central Records written documentation of the agency remote onboarding and telework policy for each employee prior to I-9 completion and paperwork submittal.
2. Provide a copy of the completed I-9 while temporarily retaining the original in a file at the agency. NOTE: The 2<sup>nd</sup> page MUST follow the flexibility guidelines noted above regarding the written information in the *Additional Information* box.

Once operations return to normal:

1. Agency HR Representatives will be required to review all newly onboarded employee original documents within 3 business days. NOTE: The 2<sup>nd</sup> page MUST follow the guidelines note above regarding written information in the *Additional Information* box.
2. Agency HR Representatives will forward the **original** Form I-9 to DHRM-Central Records with a cover sheet noting “**COVID-19 Onboarded Employees**”.

Once DHRM-Central Records receives the original Form I-9 from your agency, we will match them to the copy in our office and direct scan the original Form I-9 into the I-9 Service Jacket Database.

Please note: Per USCIS and DHS guidelines, the employer is liable for any violations in connection with the form or the verification process, including any violations of the employer sanction laws committed by the person designated to act on the employer’s behalf.