E-Verify

What is E-Verify?

- E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS) under the U.S. Citizenship and Immigration Services (USCIS) to verify employment eligibility based on information provided by an employee's Form I-9.
- Information is electronically verified against records contained in DHS and the Social Security Administration (SSA) databases.

What are E-Verify Requirements?

- Under the final rule - FAR 1.108(d), UC, along with other Institutions of Higher Education, UC is required to enroll in E-Verify once awarded a federal contract or subcontract that requires participation in E-Verify as the term of the contract.
- When UC is awarded a federal contract that contains the FAR E-Verify clause, UC, as the contractor and any covered subcontractors on the project, must enroll within 30 calendar days of the contract/subcontract award date.
- UC must also post the Right to Work poster and the E-Verify Notice.

What is E-Verify Clause?

- The final rule requires the government to insert the E-Verify clause into applicable Federal contracts, committing government contractors to use the E-Verify system for their newly hired and existing employees assigned to such Federal contracts.

What is a FAR clause?

- Federal Acquisition Regulation (FAR) is a set of rules and regulations used to manage the way the Federal Government acquires supplies and services with appropriated funds.

Which Federal Contracts Apply?

- All federal contracts containing the FAR E-Verify clause.
- The federal contract must also have a value above $100,000, a performance period longer than 120 days, and the performance must be within the United States.
- Indefinite-delivery/indefinite-quantity (IDIQ) contracts that have been modified after the September 8, 2009 effective rule date on a bilateral basis, in accordance with FAR 1.108(d)(3), to include the clause for future orders.
- For IDIQ contracts, the remaining period of performance must extend 6 months after the final rule effective date, and the amount of work expected under the remaining performance period is "substantial."

Which Federal Subcontracts Apply?
- A subcontract based on a prime contract with the E-Verify clause which is for services or construction and has a value above $3000.
- Exception: Grants are not subject to the rule. Only qualified federal contracts and subcontracts, as described above, are subject to the E-Verify requirement.

Why is UC Required to Comply?

- Potential fines for non-compliance
- Potential loss of existing contract

Federal contractor risk debarment from future federal contracts if it does not comply with E-Verify.

Additional Resources

To learn more information:

- US Citizenship and Immigration Services
- Personnel Policies for Staff Members, Policy 21: Appointment (PDF)
- University of California E-Verify Implementation Schedule (PDF)
- University of California E-Verify Guidelines (PDF)

Campus Contact Information

Human Resources, Labor Relations
Phone: (510) 643-6001 | Fax: (510) 643-2888

Human Resources, Employee Relations – Records Management
Phone: (510-642-5470 | Fax: (510) 642-1882
E-Verify

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Overview

Effective September 8, 2009, Executive Order 13465 was amended to require certain federal contractors to include a clause in new or revised federal contracts/grants requiring use of the E-Verify electronic employment verification system to verify the employment status of new hires and all current employees assigned to the contract. This new law applies to institutions of higher education, including the University of California. E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA), that verifies whether an individual is eligible to work in the United States.

E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS) under the U.S. Citizenship and Immigration Services (USCIS) to verify employment eligibility based on information provided by an employee’s Form I-9. Information is electronically verified against records contained in DHS and the Social Security Administration (SSA) databases.

The process will require UC to verify the work status of qualifying new and existing employees hired after November 6, 1986, who work directly on a federal contract and subcontract by using the E-Verify system. The E-Verify requirements are in addition to the current requirements governing the Employment Eligibility Verification Form (Form I-9) procedures, and are not a substitute.

UC, as a federal contractor, must verify qualifying new and existing employees, including employees who may be assigned through a transfer to a qualified federal contract/subcontract. Grants are not subject to the federal rule, only qualified federal contracts/subcontracts. The E-Verify process must be done in a nondiscriminatory manner and, in the case of new hires, only after the individual has accepted an offer of employment and completed the Form I-9.

More information can be found at http://hrweb.berkeley.edu/resources/records/e-verify.
E-Verify Process

Step 1

Existing Employees: Within 30 days the University must process e-verification actions for all employees currently employed on a contract subject to E-Verify. Some employees may need to complete a new Form I-9 as a part of this process.

☐ Provide HR with an excel spreadsheet that contain the names and employee identification numbers for all employees that are contributing or will be contributing to the Federal contract with a FAR clause. Please send the spreadsheet directly to Nelcy Dwight in HR at ndwight@berkeley.edu.

☐ Send E-Verify notification letter to employee. (HR will provide the department with a spreadsheet that communicates the appropriate E-Verify notification for each employee. Please note: In some cases, the employee may be required to complete a new Form I-9. The spreadsheet identifies which letter the department must provide to the employee).

Example: Each column contains an X, where it identifies the following:

<table>
<thead>
<tr>
<th>Name</th>
<th>Emp ID</th>
<th>Letter A</th>
<th>Letter B</th>
<th>No E-Verify</th>
<th>Hire Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last, First</td>
<td>000000000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First, Last</td>
<td>011111111</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Letter A - Employee does not need to complete a new Form I-9
- Letter B - Employee needs a Form I-9
- No E-Verify - Employee hired prior to I-9 Verification.

If an employee is moved to a position covered by E-Verify, the job description must be updated to reflect the new status.

☐ Once the department communicates the E-Verify notice to employees, please complete the following:
  - Email or FAX employee E-Verify notification letters to Nelcy Dwight at ndwight@berkeley.edu or (510) 642-1882
  - FAX I-9 (if applicable) to (510) 642-1882
  - Contact Nelcy Dwight to schedule an appointment, if an employee presents a Form I-551 (Permanent Resident Card) or I-766 (Employment Authorization Document) for his or her Form I-9

HR will not be able to E-Verify employee(s) without the completion of the above criteria.
Step 2

New Employees: New employees hired into positions funded from the contract containing the E-Verify clause will need to complete the E-Verify process as a part of completing the Form I-9 process. The timeline for completing the E-Verification process for newly hired employees is within 3 days of the effective date of hire. The Form I-9 must be completed before or on the date of hire (whichever comes first) and the department is responsible for sending the Form I-9 to HR via of fax. To ensure HR receives the employee Form I-9 within the timeframe allowed, the department must fax the employee I-9 form to HR with a cover sheet that specifies the following:

"Attention Neicy Dwight/E-Verify. HR fax number is (510) 642-1882"

Please note: Departments are still required to follow campus procedures for processing I-9 Forms. Since the E-Verify process is very new and time sensitive, HR will be handling the I-9/e-Verify process centrally. So, HR will work through the initial employment paperwork process for the I-9 and the new e-verify process for any new/existing employees who will be employed on the contract with the FAR clause. (The Federal Acquisition Regulation (FAR) is a set of rules and regulations used to manage the way the Federal Government acquires supplies and services with appropriated funds.)

In addition, the University is responsible for notifying newly hired employees who are subject to E-Verify. This communication should be reflected in the employment offer letter. (See Step 3 for E-Verify communication/language)
Step 3

Immediately, any new job listings for positions posted utilizing the funding source or contributing to the contract with the FAR clause will need to include a statement about the E-Verify requirement. The following language should be used in any of the below cases:

*E-Verify communication (e.g. recruitment, update Job Descriptions)*

**Current Job Listings** – “Certain positions funded by federal contracts/subcontracts require UC Berkeley to notify job applicants that an E-Verify check will be conducted and the successful candidate must pass the E-Verify check”

**New Job Listings** – “This position requires the final candidate to successfully pass an E-Verify check” [See drop down tab in TAM for E-Verify]

**Active candidates under consideration** – “This position requires the final candidate to successfully pass an E-Verify Check”

**Job Description** – “Certain positions funded by federal contracts/subcontracts require UC Berkeley to notify job applicants that an E-Verify check will be conducted, and the successful candidate must pass the E-Verify check”

**Employment offer letter** – “This position requires the final candidate to successfully pass an E-Verify check”
Appendix

E-Verify Notification Checklist

<table>
<thead>
<tr>
<th>Letter A</th>
<th>Letter B</th>
<th>No E-Verify</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Department provides the employee with the E-Verify notice</td>
<td>☐ Department provides the employee with the E-Verify notice</td>
<td>☐ Employee was hired prior to Form I-9 Verification requirement</td>
</tr>
<tr>
<td>☐ Department sends PDF copy of the letter to HR</td>
<td>☐ Department sends PDF copy of the letter to HR</td>
<td></td>
</tr>
<tr>
<td>☐ HR will proceed with the E-Verify process once the letter is received from the department</td>
<td>☐ Department and employee complete the Form I-9.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In addition, if the employee presents a Form I-551 (Permanent Resident Card) or I-766 (Employment Authorization Document) for his or her Form I-9, you must make an appointment for the employee to meet with Nelcy Dwight in HR to complete the I-9.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Please note: (providing a Social Security number on Form I-9 is mandatory for employees hired by Federal contractors that participate in E-Verify)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Department faxes Form I-9 to HR. The fax cover sheet must specify the following: “Attention Nelcy Dwight/E-Verify” Fax Number is (510) 642-1882</td>
<td></td>
</tr>
</tbody>
</table>

I-9 Form is located at [http://hrweb.berkeley.edu/forms](http://hrweb.berkeley.edu/forms)
Letter A

[Employee does not need to complete a new Form I-9]

[Date]
[Employee Name]
[Address]
[City, State Postal Code]
[Department]
Re: Notification of E-Verify Check

[Dear Name],

Effective September 8, 2009, Executive Order 13465 was amended to require certain federal contractors to include a clause in new or revised federal contracts/grants requiring use of the E-Verify electronic employment verification system to verify the employment status of new hires and all current employees assigned to the contract. This new law applies to institutions of higher education, including the University of California. E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA), that verifies whether an individual is eligible to work in the United States.

A position that contributes to or is funded by Federal contracts/subcontracts requires the University of California, Berkeley to notify existing employees that an E-Verify check will be conducted, and the employee must successfully pass the E-Verify check. As your position is funded by a Federal contract/subcontract, you are subject to an E-Verify check. For more information on E-Verify, please visit www.uscis.gov/portal/site/uscis/menutem.

If you have any questions, please contact your departmental representative at [insert department contact number]

Sincerely,
Department Representative

cc: Personnel File
    Nelcy Dwight, Records Management Manager
Letter B
[Employee needs a Form I-9]

[Date]
[Employee Name]
[Address]
[City, State Postal Code]
[Department]
Re: Notification of E-Verify Check

[Dear Name],
Effective September 8, 2009, Executive Order 13465 was amended to require certain federal contractors to include a clause in new or revised federal contracts/grants requiring use of the E-Verify electronic employment verification system to verify the employment status of new hires and all current employees assigned to the contract. This new law applies to institutions of higher education, including the University of California. E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS), in partnership with the Social Security Administration (SSA), that verifies whether an individual is eligible to work in the United States.

A position that contributes to or is funded by Federal contracts/subcontracts requires the University of California, Berkeley to notify existing employees that an E-Verify check will be conducted, and the employee must successfully pass the E-Verify check. As your position is funded by a Federal contract/subcontract, you are subject to an E-Verify check.

You may also be required to update or replace your existing I-9 form in order to comply with the Federal law by providing proof of a valid work authorization. The E-Verify system supplements, but does not replace, existing I-9 requirements. In addition to the existing I-9 procedures, E-Verify will require a social security number and photo identification. For more information on E-Verify, please visit www.uscis.gov/portal/site/uscis/menultem.

To update your I-9, please report to [your unit name] on [date] at [time]. Attached is a list of acceptable documents for completing the I-9 form, which you must bring to your appointment with Records Management. Please note: all documents must be originals, not photocopies. It is most important that you keep this appointment so that you are in compliance with the federal law. Please contact Nelcy Dwight at (510) 642-5470 if you have a change in your scheduled appointment.

If you have any questions, please contact your departmental representative at [insert department contact number]

Sincerely,
Department Representative

cc: Personnel File
   Nelcy Dwight, Records Management Manager
   Enclosed: List of Acceptable Documents