

Eva, the HR Compliance Diva



Ask Eva

Eva, the HR Compliance Diva answers questions posed by new & seasoned HR, professionals, employees and small business owners. Answers are based on knowledge, research and feedback from other HR colleagues. This week, we have a question from Suzi, an HR professional who just graduated from UCF. Suzi asks;

Question

Hi Eva,

My question is about 1-9 procedures when it comes to storing and correcting I9 forms. I am an intern in a company where the I9 forms are located in the same place as the employee's personnel file. I heard that these documents needed to be separate from the personnel file and in a locked office. When I asked the HR manager about this, he stated that there is no "I9 document" police to check. He also stated that as long as the documents were in a locked office, it did not matter that they were in the same file. What do you say Eva?

Eva's answer:

Hi Suzi,

First, Congratulations on your graduation and picking HR as your industry of choice. Of course, I am biased but, HR is the most interesting and exciting industry, never a dull moment and a great training ground. I am thrilled that you have been selected as an intern. Internship is a great way to observe and participate in HR activities without the huge risk. That being said, I must disagree with some of the comments your HR manager shared with you. Here are some of the points:

❖ There is an I9 Immigration police entity and it is called the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE), the enforcement arm of DHS. ICE has the authority to come in to your company and ask for you to let them review your I9 documents. There are criteria and procedures that need to be followed and you can see those on my website at www.hrcompliance.biz. The reasons DHS/ICE may come to audit your I9 documents is mostly due to disgruntled employee complaints, social security number violations and referrals from other Federal compliance entities like Department of Labor (DOL), Internal Revenue Services (IRS) and other workplace regulatory entities. You see, now all these agencies communicate with each other and will identify companies who they believe are violating immigration laws.

❖ The reasons why these documents should be separate, is to avoid any semblance of discrimination by managers or any other employees. I had one manager in a NY company who after 911, checked I9 documents for employees who were non-citizens. These procedures are there to protect employees. Although there is no current law obligating the way to store I9 documents, there is a best practice. I can send a copy of a document I created when I audited over 7000 I9 documents for an agricultural company in Lakeland, Florida if you like.

❖ In terms of storage I recommend that the documents go into an identified binder located separate from the personnel files, preferably in a locked file when there is no locked office. As long as completed I9 documents are in a locked file cabinet or location, they do not necessarily have to be in a locked office.

I hope this answers your question Suzi. Continue to learn more about the HR industry by joining Society for Human Resources Management (SHRM) at www.shrm.org and our local HR association in Central Florida at www.goshrm.org. For more information about I9 auditing and proper correction process, go to my website at www.hrcompliance.biz and click on Checklists.

If you would like to ask Eva, the HR Compliance Diva a question about human resources, workplace compliance and any human resources management components, please go to www.hrcompliance.biz and go to the HR Compliance blog page to find “Ask Eva”

Please keep in touch!

Eva

**The advice provided by Eva the Latina Compliance Diva is based on human resource management experience and research and should not be taken as legal advice. For legal questions, contact an employment law attorney.*