BACKGROUND:
The Immigration and Nationality Act (as amended, 2010) (INA) Section 274A and the Immigration Reform and Control Act (IRCA) of 1986 require employers to use Form I-9 to verify the identity and work eligibility of all employees. Employers are required to properly complete Form I-9 every time they hire an employee (US citizen or non-US citizen) to perform services in return for compensation. Employers who violate the law may be subject to penalties, including civil fines, criminal penalties (when there is a pattern or practice of violations), and debarment from government contracts. Civil penalties for failure to comply with Form I-9 requirements range from $110 to $1,100 per violation.

There are additional employment verification requirements for E-Verify employers (E-Verify is mandatory for newly hired and existing UC employees hired after November 6, 1986 (including transferred employees) who are assigned to a qualified covered federal contract/subcontract that contains the E-verify clause.

Over the course of the last few years, UC Internal audits and audits from Federal offices highlighted the need to strengthen practices. To ensure compliance with federal regulations, a University-wide work group was convened to develop guidelines and standards, including best practice business processes, for I-9/E-Verification completion using a University-wide automated solution.

The Guardian system by Lawlogix will store and maintain the University’s I-9’s and, where appropriate, E-Verify verifications. All supporting documentation will be stored securely within the system. The Guardian system will also monitor the purging of documents at the end of the retention period.

The work group has also developed UC-focused training on the Guardian system and a website with key I-9 resources. These resources are currently available to all UC I-9 processors.

CURRENT STATUS:
Staff personnel from UCI, UCIMC, UCOP, UCM, UCR, UCSC, and UCLA – North implemented the Guardian system as pre-UCPATH early adopters. The locations are actively in the process of completing their implementations for academics and some remaining groups. UCI will be the first to complete implementation of the Guardian system for users by September 2016.

NEXT STEPS:
Systemwide Human Resources (HR) will continue to work with the ongoing group of early adopters and will begin working with other locations to implement Guardian before they go live with UCPath. In addition to the existing website on the Guardian system, an I-9 and E-Verify SharePoint site will be created for the I-9 early adopters as a repository for shared resources, documentation, FAQs, and issue logs. In addition, Systemwide HR is working closely with the UCPATH Project Management Office on integrating the UCPATH system with Guardian.

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