Welcome to HR Partners!
April 18, 2017
Agenda

• Introduction of New VP, Student Affairs
• Independent Contractor vs. Employee
• Legal Counsel & Immigration Issues
• I-9 Mini-Training
• Announcements & Deadlines
• Spin the Wheel!
Introduction of New VP, Student Affairs

Dr. Darrell Ray
Vice President, Student Affairs
Independent Contractor vs. Employee

Terrice Watson
Assistant Controller, Accounting Office
Employee or Independent Contractor

Categories That Determine Classification

- **Behavior Control** – The individual does not receive extensive instructions on how work is to be done. Examples: how, when, or where to do the work; what tools or equipment to use; what assistants to hire; where to purchase supplies and services.

- **Financial Control** – The individual has significant control of the business part of the work. Examples: purchases supplies to perform the work and the individual incurs a profit or loss on the work.

- **Relationship of the Parties** – The individual does not receive/expect any benefits from the University.
# Employee or Independent Contractor Checklist

<table>
<thead>
<tr>
<th>EMPLOYEE</th>
<th>INDEPENDENT CONTRACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>____ Directed and controlled by the University</td>
<td>____ Independent</td>
</tr>
<tr>
<td>____ Does tasks in the manner the University requests</td>
<td>____ Does tasks in his/her own way</td>
</tr>
<tr>
<td>____ Does not have a financial investment in the work they are providing for the University</td>
<td>____ Assumes the costs associated with doing the work for the University</td>
</tr>
<tr>
<td>____ The University provides tools, equipment, and skills training</td>
<td>____ Comes to the job with required tools, equipment, and skills</td>
</tr>
<tr>
<td>____ The individual works under University’s business license</td>
<td>____ The individual obtains his or her own business license</td>
</tr>
<tr>
<td>____ Often receives benefits beyond payment for service (retirement and health plans)</td>
<td>____ Receives only payment for service</td>
</tr>
<tr>
<td>____ Receives a net check. The University withholds income tax and FICA taxes.</td>
<td>____ Receives a gross amount check. Pays own taxes</td>
</tr>
<tr>
<td>____ Works at the University’s place of business</td>
<td>____ Works at his/her own office or home</td>
</tr>
<tr>
<td>____ Works the hours set by the University</td>
<td>____ Sets his/her own hours</td>
</tr>
<tr>
<td>____ Does not advertise services</td>
<td>____ Provides services to multiple entities</td>
</tr>
<tr>
<td>____ Eligible for workers’ compensation benefits</td>
<td>____ Has customers as a result of advertising and being known by the public as a business</td>
</tr>
<tr>
<td>____ Has some rights prior to termination</td>
<td>____ Not covered by the University’s workers’ compensation</td>
</tr>
<tr>
<td>____ Covered by minimum wage and overtime laws</td>
<td>____ No rights prior to termination unless contracted</td>
</tr>
<tr>
<td></td>
<td>____ Paid as contracted; no overtime</td>
</tr>
</tbody>
</table>

---

**Employee**

- Directed and controlled by the University
- Does tasks in the manner the University requests
- Does not have a financial investment in the work they are providing for the University
- The University provides tools, equipment, and skills training
- The individual works under University’s business license
- Often receives benefits beyond payment for service (retirement and health plans)
- Receives a net check. The University withholds income tax and FICA taxes.
- Works at the University’s place of business
- Works the hours set by the University
- Does not advertise services
- Eligible for workers’ compensation benefits
- Has some rights prior to termination
- Covered by minimum wage and overtime laws

**Independent Contractor**

- Independent
- Does tasks in his/her own way
- Assumes the costs associated with doing the work for the University
- Comes to the job with required tools, equipment, and skills
- The individual obtains his or her own business license
- Receives only payment for service
- Receives a gross amount check. Pays own taxes
- Works at his/her own office or home
- Sets his/her own hours
- Provides services to multiple entities
- Has customers as a result of advertising and being known by the public as a business
- Not covered by the University’s workers’ compensation
- No rights prior to termination unless contracted
- Paid as contracted; no overtime
Employee or Independent Contractor

- **Employee**
  - Contact Human Resources – Workforce Management (901) 678-3573.

- **Independent Contractor**
  - Contracts of $5,000 or more require the approval of the Director of Procurement and Contract Services. (*Single or Aggregate total in a Calendar Year.*)

  - **Required Documents:**
    1. Tigerbuy PO
    2. Contract/Agreement Routing Form
    3. Agreement for Personal, Professional & Consulting Service

  - Contracts less than $5,000 can be completed with the Request for Payment to Individual or Contractor form. (*All construction and renovations agreements require approval through Procurement & Contracts Services.*)
**Request for Payment to Individual or Contractor**

INSTRUCTIONS: Give two copies to Contractor. Contractor must sign and return one copy. Complete all sections of Part I. Send original to the Accounting Office.

This authorization may be used in lieu of a written contract if, and only if, the total compensation to the individual or contractor is less than $5,000.00. Payments to the same individual or contractor for $5,000.00 or more during a calendar year (whether fragmented or paid in a lump sum) require an obligated contract established through the Procurement and Contract Services. This form is sent to the Accounting Office any time a payment is requested to be made to an individual regardless of the amount. A form must be completed for each individual to be paid. The form is prepared by the requesting department and is used to secure approval of the authorization and to process the payment. Payments cannot be made to any University or State employee (which includes full or part-time faculty, staff) under this procedure.

### I. GENERAL INFORMATION

*(This information is necessary to complete IRS Form 1099-MISC)*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name of Payee:</td>
<td></td>
</tr>
<tr>
<td>2. (a) U.S. Social Security Number:</td>
<td>(b) Federal Tax ID Number:</td>
</tr>
<tr>
<td>3. Local Address:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>City</td>
</tr>
<tr>
<td>4. Permanent Address:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>City</td>
</tr>
<tr>
<td>5. Telephone Number:</td>
<td></td>
</tr>
<tr>
<td>6. Fax Number:</td>
<td></td>
</tr>
<tr>
<td>7. E-mail Address:</td>
<td></td>
</tr>
<tr>
<td>8. Is payee a U of M student?</td>
<td>Yes</td>
</tr>
<tr>
<td>9. U.S. Citizen?</td>
<td>YES</td>
</tr>
<tr>
<td>(If payee is not a U.S. citizen, withholding may be required. Please complete IRS Form 8233 if individual is not claiming residence in U.S. or IRS Form W-9 if individual is claiming residence in U.S.)</td>
<td></td>
</tr>
<tr>
<td>10. Total Amount:</td>
<td>$</td>
</tr>
<tr>
<td>11. Index Number/Acct Code:</td>
<td></td>
</tr>
<tr>
<td>12. Purchase Order:</td>
<td>(If none, Section II below must be completed.)</td>
</tr>
<tr>
<td>13. Are services being performed?</td>
<td>Yes</td>
</tr>
</tbody>
</table>
SECTION A: Describe the services being performed

<table>
<thead>
<tr>
<th>Date Rendered</th>
<th>Units of Service (Hours/Days)</th>
<th>Brief Description of Services Provided (Be Specific)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Department Head/Highest Authority

   This is to certify that the payee identified above was authorized to perform services in accordance with U of M Operating Procedure Number 2D:03:07B and services were rendered in accordance with a contract dated [ ] or the Section II, "Authorization to Contractor" and payment for services should now be made.

   Dept Head/Highest Authority Signature ___________________________ Date ___________________________

   Department Name: ___________________________

2. (Complete only if check is requested in advance of services.)

   I hereby request the check to be prepared in advance to give to the contractor upon completion of services. I certify that the check will not be released until services have been completed in accordance with the above-identified contract of Section II on the reverse hereof. (Attach statement explaining the reason the check is needed in advance.)

   Dept Head/Highest Authority Signature ___________________________ Date ___________________________

SECTION B: Describe the purpose of the payment

   This is to certify that the payee identified above was authorized to receive payment.

   Dept Head/Highest Authority Signature ___________________________ Date ___________________________

   Department Name: ___________________________
II. AUTHORIZATION TO CONTRACTOR

(This authorization may be used in lieu of a written contract, if and only if, the total compensation to the individual or contractor during a calendar year is less than $5,000.)

1. This is to authorize (Contractor's Name) ___________________________ to perform the following services:
(Enter detailed description, including type, scope, duration, form, quality, place, size, time, purpose, and identification of concerned University department.)

2. Contractor shall be compensated (Rate of Compensation: hourly, daily, etc.) ___________________________ for services rendered. Payment will be made only after services have been performed. In no event shall the liability of the University under this authorization exceed $ ___________________________.

3. The Contractor within the past six months has not been and during the term of this Authorization will not become an employee of the State of Tennessee which includes full or part-time faculty, staff, student employees or graduate assistants. The Contractor shall not directly or indirectly pay any of the compensation to any officer or employee of the University or the State of Tennessee.

4. No person on the grounds of disability, race, color, religion, sex, veteran status, creed, age, or national origin will be excluded from participation in, or be denied benefits of, or be otherwise subject to discrimination in the performance of this Authorization, or in the employment practices of the Contractor.

5. The Contractor, being an independent Contractor and not an employee of the University, agrees to protect and hold harmless the University from any and all liability not specifically provided for in this Authorization.

6. The term of this Authorization is from __________ to __________.

7. This Authorization may be terminated by either party by giving written notice to the other, at least ___ days before the effective date of termination. In that event, the Contractor shall be entitled to receive just and equitable compensation for any satisfactory authorized work completed as of the termination date.

Requester/Initiator Signature ___________________________ Date __________

Dept Head/Higher Authority Signature ___________________________ Date __________

8. I agree and accept the terms of this contract and any attached addendum. (Required if fee over $100.00)

Contractor Signature ___________________________ Date __________
CONTRACTOR INFORMATION FOR NON-U.S. CITIZENS:

For non-US citizens, this section must be completed in its entirety.

Country of citizenship: ___________________________ Passport number: ___________________________ Exp. Date: ___________________________

Type of Visa: ___________________________ Dates at U of M: From: ___________________________ to: ___________________________

Any prior visits to the U.S.? Yes ☐ No ☐

If Yes, please list entry & exit dates, immigration status/Visa type, and primary purpose on separate sheet. Each visit should be listed.

Is the activity to receive the honorarium to last more than nine (9) days? Yes ☐ No ☐

Have you received honorariums from more than five (5) organizations in the last six (6) months? Yes ☐ No ☐

U.S. Social Security #: ___________________________ or Federal Tax ID #: ___________________________

Permanent Address: ___________________________

Non-U.S. citizens may be subject to 30% withholding.
QUESTIONS?

accounting@memphis.edu
901-678-3831
Legal Counsel & Immigration Issues

John Michael Ryall
Assistant University Counsel,
Office of Legal Counsel
Immigration Basics: Overview of Procedures and Obligations for Employers

Non-Immigrant Visas
Three Groups of People in the U.S.

- Citizens
- Immigrants
- Non-Immigrants
Non-Immigrants

• Coming to the U.S. temporarily
• Retain residence abroad
• Important Visas to Know: H-1B, F-1, J-1
Immigrants

- “Green card holders” = “permanent residents” = “immigrants”
- Coming to U.S. permanently
- Can become U.S. citizens after 3-5 years
- University sponsors only tenure-track faculty
H-1B Work Visa
H-1B Category

- H-1B visas are for temporary (nonimmigrant) workers engaged in a specialty occupation that requires
  - (1) theoretical and practical application of highly specialized knowledge and
  - (2) attainment of a bachelor's or higher degree, or equivalent experience, in the specific specialty for entry into the occupation.
- “Specialty Occupation” – Entry level requirement = minimum Bachelor Degree or equivalent.
H-1B Category (cont.)

- H-1B can be full-time or part-time
- H-1B workers are “tied” to their employer
  - Cannot accept payment from any other source
- What are the government fees? ($460, $500, $1225)
H-1B Category (cont.)

- H-1B visas are valid for 3 years and can be extended for an additional 3 year period for a total of 6 years in H-1 status.
- Previous stays in L-1 or H-1 status (but not L-2 or H-4 dependent status) count towards maximum period of stay.
- Time spent outside of the US does not count towards the 6-year limit.

H-1B visas can be extended past the 6-year maximum in certain situations:

- 1 year Extension: If PERM has been filed at least 365 days prior to the date the H-1B expires.
- 3 year Extension: If an I-140 has been approved, and the individual cannot adjust status because priority date is not current (usually someone from China or India).
Wage Requirements

• Actual Wage
  • paid by the employer to US workers
  • in the same position
  • at the same work site
  • with similar experience and qualifications

• Prevailing Wage
  • Average salary paid to all similarly situated employees
    (i.e. similar job duties, experience, education, etc.) in
    each geographic region

• Required Wage – higher of the actual or prevailing
Prevailing Wages

- Obtained by OLC
Actual Wage

**Determined by the Department**

University Actual Wage Form

Complete this form for all others in the Department/Division/Center with the same classification as the H-1B employee.

<table>
<thead>
<tr>
<th>Name</th>
<th>Employee ID #</th>
<th>Title</th>
<th>Date Started at University</th>
<th>Date Started in New Position</th>
<th>Contract Length 9/12</th>
<th>Annual Salary</th>
<th>Highest Degree</th>
<th>Year Degree Earned</th>
<th>Institution where Highest Degree Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manny Delcarmen</td>
<td>658-92-673</td>
<td>Computer Programmer</td>
<td>08/01/2007</td>
<td>N/A</td>
<td>12</td>
<td>$43,000</td>
<td>BS</td>
<td>2007</td>
<td>Florida International University</td>
</tr>
<tr>
<td>Bruce Hurst</td>
<td>874-23-001</td>
<td>Computer Programmer</td>
<td>01/06/2002</td>
<td>1/09/2009</td>
<td>12</td>
<td>$88,000</td>
<td>Masters</td>
<td>1992</td>
<td>University of Miami</td>
</tr>
<tr>
<td>John Valentin</td>
<td>876-21-932</td>
<td>Computer Programmer</td>
<td>08/20/2009</td>
<td>N/A</td>
<td>12</td>
<td>$52,000</td>
<td>BS</td>
<td>1998</td>
<td>Emory University</td>
</tr>
<tr>
<td>Troy O’Leary</td>
<td>542-22-122</td>
<td>Computer Systems Analyst</td>
<td>01/19/2009</td>
<td>N/A</td>
<td>12</td>
<td>$48,200</td>
<td>BA</td>
<td>2008</td>
<td>Florida International University</td>
</tr>
</tbody>
</table>

The actual wage of the prospective/current H-1B employee has been determined by comparing the education, experience, specialized knowledge and other relevant factors with those for persons in the same job classification within the Department/Division/Center.

Department/Division/Center Chair/Director

Printed Name and Title

Date
General Requirements of LCA

- LCA required for every H-1B petition
- Purpose – to protect wages and working conditions of U.S. workers
- Employer makes attestations on LCA
- 10 day posting requirement at work site (2 locations)
- LCA form filed electronically with DOL
Time for H-1B

- Intake Gathering: 1-2 weeks
- Filing LCA and Posting for 10 days: 10 days
- Preparing the application for filing: 1-2 weeks
Offering Jobs to Potential H-1Bs

• Make it clear that the job offer is contingent upon obtaining valid work authorization
• Just because they work for you on OPT does not mean they are necessarily eligible for H-1B
• H-1B prevailing wages have increased significantly this year
• H-1B denials have increased as well
Other Temporary Work Visas
F-1 Optional Practical Training (OPT)

- “Optional Practical Training:” pre- or post-graduation
- Total = 12 months; part-time during school year, full-time during vacations and after graduation
- Need employment authorization document (EAD);
- Not tied to particular employer
- Employment related to degree program
- One year of full-time OPT for each academic level (Associate’s, Bachelor’s, Master’s, Professional, PhD). OPT can’t be “saved” for future degree programs; very hard to cancel after card received
- Can have up to 90 days of unemployment
- Can use OPT for Assistant Professor positions
J-1 Exchange Visitors

- Categories include trainees, interns, research scholars, specialists, students, professor, etc.
- Some J’s must return to home country for 2 years after completion of program or seek waiver
  - Skills list
  - Government funding
J-1 Students (Academic Training)

- Similar to F-1 OPT (work must be related to major)
- Can be used while in school or post-graduation
- 18 months max for undergrads and pre-docs (unless course of study is less than 18 months long)
- 36 months max for post-docs (unless course of study is less than 36 months)
- Need letter from RO/ARO and valid DS-2019/I-94 for I-9 purposes
Initiating a Case

- Contact Office of Legal Counsel (jryall@memphis.edu or 901-678-1565).
- We will provide intake forms that must be completed for H-1B or J-1 visas. Cannot begin work until we have obtained intake forms.
- Start Process ASAP.
- Usually need 6-8 months advance notice for H-1Bs (even if just an extension).
- J-1 visas 3-4 months advance notice.
THANK YOU!

If you have additional questions, please send me an e-mail:

jryall@memphis.edu
I-9 Mini-Training

Shermia Miller
Assistant Director, HR Business Strategies and Records Management

*Please note: Departments should not keep I-9s in their own areas; HR Records is the final repository for I-9s.
I-9: Who Should Complete a Form

• The requirement to complete Form I-9 applies to new employees hired after Nov. 6, 1986.

• You must complete Form I-9 each time you hire any person to perform labor or services in the United States in return for wages or other remuneration.
Don’t Complete the I-9 for Employees Who Are:

- Hired on or before Nov. 6, 1986 who are continuing in their employment and have a reasonable expectation of employment at all times
- Employed for casual domestic work in a private home on a sporadic, irregular or intermittent basis
- Independent contractors
- Employed by a contractor providing contract services (such as employee leasing or temporary agencies) and are providing labor to you
- Not physically working on U.S. soil
I-9 Completion Deadline

- Ensure that the employee completes Section 1 of Form I-9 at the time of hire.
  - “Hire” means the beginning of employment in exchange for wages or other remuneration.
- Employees may complete Section 1 before the time of hire, but no earlier than acceptance of the job offer.
- Review the employee’s document(s) and fully complete Section 2 within three business days of the hire.
I-9 Completion Deadline

- If you hire a person for fewer than three business days, Sections 1 and 2 must be fully completed at the time of hire – in other words, by the first day employment for pay.
Important Reminder

• You cannot hire an individual who you know is not authorized to work in the United States.

• Do not allow anyone to work without a completed I-9.
Section 1: Employee Information and Attestation

Part A

Washington
George

123 Star Spangled Way
1
Westmoreland

02/02/1982
123 45 6789
gwashington@email.com
202-123-4567

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

[X] 1. A citizen of the United States

☐ 2. A noncitizen national of the United States (See Instructions)

☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number):

☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy):

Some aliens may write "N/A" in the expiration date field. (See Instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:

1. Alien Registration Number/USCIS Number:

OR

2. Form I-94 Admission Number:

OR

3. Foreign Passport Number:

Country of Issuance:

Signature of Employee

George Washington

Today's Date (mm/dd/yyyy)

01/22/2017

Preparer and/or Translator Certification (check one):

☐ I did not use a preparer or translator.

X A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

(Fields below must be completed and signed when preparers and translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator

Abigail Adams

Today's Date (mm/dd/yyyy)

01/22/2017

Last Name (Family Name)

Adams

First Name (Given Name)

Abigail

Address (Street Number and Name)

123 American Way

City or Town

Weymouth

State

MA

ZIP Code

20001
Completing Section 1

- Have the employee complete Section 1 at the time of hire (by the first day of their employment for pay) by filling in the correct information and signing and dating the form.

- If the employee enters the information by hand, ensure that the employee prints the information clearly.

- **YOU** are responsible for reviewing and ensuring that your employee fully and properly completes Section 1.
Part A: Who and Where

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

<table>
<thead>
<tr>
<th>Last Name (Family Name)</th>
<th>First Name (Given Name)</th>
<th>Middle Initial</th>
<th>Other Last Names Used (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>George</td>
<td>A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address (Street Number and Name)</th>
<th>Apt. Number</th>
<th>City or Town</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>123 Star Spangled Way</td>
<td>1</td>
<td>Westmoreland</td>
<td>VA</td>
<td>20002</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Birth (mm/dd/yyyy)</th>
<th>U.S. Social Security Number</th>
<th>Employee’s E-mail Address</th>
<th>Employee’s Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/02/1982</td>
<td>123-45-6789</td>
<td><a href="mailto:gwashington@email.com">gwashington@email.com</a></td>
<td>202-123-4567</td>
</tr>
</tbody>
</table>

**Required**
- Name
- Address
- Date of Birth

**Voluntary**
- Social Security Number
- Email Address
- Telephone Number

- All fields must be completed with either the information requested in the required format or with N/A.
- Do not leave any fields blank.
I-9 and Social Security Numbers

- Employees may voluntarily provide their Social Security numbers on Form I-9 unless you participate in the E-Verify program.
- For Form I-9 purposes, you may not ask employees to provide you a specific document with their Social Security number on it.
  - To do so may constitute unlawful discrimination.
- Employees who can satisfy Form I-9 requirements may work while awaiting their Social Security numbers.
Part B: Citizenship/Immigration Status

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

- [X] 1. A citizen of the United States
- [ ] 2. A noncitizen national of the United States (See instructions)
- [ ] 3. A lawful permanent resident (Alien Registration Number/USCIS Number):
- [ ] 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy):
  
Some aliens may write "N/A" in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number:
   OR
2. Form I-94 Admission Number:
   OR
3. Foreign Passport Number:
   
Country of Issuance:

Signature of Employee

George Washington

Today's Date (mm/dd/yyyy) 01/22/2017

• Have the employee read the warning and check the box next to the appropriate citizenship or immigration status.
• The employee must sign and date the form.
Citizenship/Immigration Status Definitions

• **A noncitizen national of the United States:** An individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

• **A lawful permanent resident:** An individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant.

• **An alien authorized to work:** An individual who is not a citizen or national of the United States, or a lawful permanent resident, but is authorized to work in the United States.
Part C: Preparer/Translator Certification

- The employee must check the appropriate box indicating if a preparer and/or translator were used.
- When used, a preparer and/or translator sign and date the document. They must also provide their physical address.
  - Complete and attach Form I-9 Supplement for multiple preparers and/or translators.
Failure to Complete Section 1

- You must ensure that all parts of Form I-9 are properly completed; otherwise, you may be subject to penalties under federal law.
- Section 1 must be completed no later than the end of the employee’s first day of employment.
- You may not ask an individual who has not accepted a job offer to complete Section 1.
- Before completing Section 2, you should review Section 1 to ensure the employee completed it properly.
- If you find any errors in Section 1, have the employee make any necessary corrections and initial and date them.
Section 2: Employer or Authorized Representative Review and Verification

Part D

Part E
Completing Section 2

- Physically examine each original document the employee presents to determine if the document reasonably appears to be genuine and relates to the person presenting it.
- Make sure the person who examines the documents is the same person who attests and signs Section 2.
- The employee must be physically present with the document examiner.
- You must accept any document(s) from the Lists of Acceptable Documents that reasonably appear on their face to be genuine and relate to the person presenting them.
- You may not specify which document(s) the employee must present.
Acceptable Documents - List A

**LIST A: Documents That Establish Both Identity and Employment Authorization**

*All documents must be unexpired.*

1. U.S. Passport or Passport Card
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa (MRIV)
4. Employment Authorization Document (Card) that contains a photograph (Form I-766)
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.
## Acceptable Documents - List B

**LIST B: Documents That Establish Identity**

*All documents must be unexpired.*

For individuals **18 years of age or older:**

1. Driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address

2. ID card issued by federal, state, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address

3. School ID card with a photograph

4. Voter's registration card

5. U.S. military card or draft record

6. Military dependent's ID card

7. U.S. Coast Guard Merchant Mariner Card

8. Native American tribal document

9. Driver's license issued by a Canadian government authority

For persons under age **18** who are unable to present a document listed above:

10. School record or report card

11. Clinic, doctor, or hospital record

12. Day-care or nursery school record
### Acceptable Documents - List C

**LIST C: Documents That Establish Employment Authorization**

*All documents must be unexpired.*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A Social Security Account Number card unless the card includes one of the following restrictions:</td>
</tr>
<tr>
<td></td>
<td>(1) NOT VALID FOR EMPLOYMENT</td>
</tr>
<tr>
<td></td>
<td>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</td>
</tr>
<tr>
<td></td>
<td>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</td>
</tr>
<tr>
<td></td>
<td><strong>NOTE:</strong> A copy (such as a metal or plastic reproduction) is not acceptable.</td>
</tr>
<tr>
<td>2.</td>
<td>Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545)</td>
</tr>
<tr>
<td>3.</td>
<td>Certification of Report of Birth issued by the U.S. Department of State (Form DS-1350)</td>
</tr>
<tr>
<td>4.</td>
<td>Original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States bearing an official seal</td>
</tr>
<tr>
<td>5.</td>
<td>Native American tribal document</td>
</tr>
<tr>
<td>6.</td>
<td>U.S. Citizen Identification Card (Form I-197)</td>
</tr>
<tr>
<td>7.</td>
<td>Identification Card for Use of Resident Citizen in the United States (Form I-179)</td>
</tr>
<tr>
<td>8.</td>
<td>Employment authorization document issued by DHS</td>
</tr>
</tbody>
</table>
Part D: Document Review

Examine one selection from List A or a combination of one selection from List B and one selection from List C.
Completing Section 2

• Enter the document title, issuing authority, number, and expiration date (if any) in Section 2 from original documents supplied by employee.
  • You may use either common abbreviations for the document title or issuing authority, for example, “DL” for driver’s license and “SSA” for Social Security Administration

• Use the “Additional Information” space is for Form I-9 notes:
  • Employee termination dates and form retention dates

• If you choose to make copies of the documents, do so for all employees, regardless of national origin or citizenship status, or you may be in violation of anti-discrimination laws.

• Return the original documents to your employee.
Completing Section 2

- You may designate or contract with someone such as a personnel officer, foreman, agent, or anyone else acting on your behalf, including a notary public, to complete Section 2.
- Anyone else who completes Form I-9 on your behalf must carry out full Form I-9 responsibilities.
  - It is not acceptable for the designated person to physically examine the employee’s employment authorization and identity documents, and leave Section 2 for you to complete.
- You are liable for any violations in connection with the form or the verification process, including any violations of the employer sanctions laws committed by the person designated to act on your behalf.
Part E: Document Review Certification

- Enter hire date in the ‘The employee’s first day of employment (mm/dd/yyyy)’ space.
- Employer or authorized representative attests to physically examining the documents provided by completing the Last Name, First Name, Employer’s Business or Organization Name, and signing and dating the signature and date fields.
- Enter the business’s street address, city or town, state and ZIP code.
Accepting Receipts

Sometimes, you must accept a receipt in lieu of a List A, List B, or a List C document if the employee presents one.

- New employees who choose to present a receipt(s) must do so within three business days of their first day of employment.
- Employees who choose to present a receipt for reverification must present it by the date their employment authorization expires.
- Receipts are not acceptable if employment lasts less than three business days.
- Enter the word “Receipt” followed by the title of the document in Section 2 under the list that relates to the receipt.
## Accepting Receipts

<table>
<thead>
<tr>
<th>Receipt</th>
<th>Who may present this receipt?</th>
<th>Is this receipt proof of employment authorization and/or identity?</th>
<th>How long is this receipt valid?</th>
<th>What must the employee present at the end of the receipt validity period?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A receipt for a replacement of a lost, stolen, or damaged document</td>
<td>All employees</td>
<td>A receipt fulfills the verification requirements of the document for which the receipt was issued (can be List A, List B, or List C).</td>
<td>90 days from date of hire or, for reverification, 90 days from the date employment authorization expires.</td>
<td>The actual document for which the receipt was issued.</td>
</tr>
<tr>
<td>The arrival portion of the Form I-94 or I-94A containing a Temporary I-551 stamp and photograph</td>
<td>Lawful permanent residents</td>
<td>Employment authorization and identity (List A).</td>
<td>Until the expiration date of the Temporary I-551 stamp, or if no expiration date, one year from date of admission.</td>
<td>The actual Form I-551 (Permanent Resident Card, or “Green Card”).</td>
</tr>
<tr>
<td>The departure portion of Form I-94 or I-94A with an unexpired refugee admission stamp</td>
<td>Refugees</td>
<td>Employment authorization and identity (List A).</td>
<td>90 days from date of hire or, for reverification, 90 days from the date employment authorization expires.</td>
<td>An unexpired EAD (Form I-766) or a combination of a valid List B document and an unrestricted Social Security card.</td>
</tr>
</tbody>
</table>
Section 3: Reverification and Rehires

**Rehires**
- Block A – Optional (N/A)
- Block B – Mandatory
- Block C – N/A
- Sign and Date

**Reverification**
- Block A – Optional (N/A)
- Block B – Mandatory
- Block C – Mandatory
- Sign and Date
I-9 Retention

• Employers must retain a Form I-9 for each person hired.
• This requirement applies from the date of hire, even if the employment ends shortly after hired, the hired employee never completes work for pay, or never finishes the Form I-9.
• Once the individual’s employment has terminated, the employer must determine how long after termination the Form I-9 must be retained, either three years after the date of hire, or one year after the date employment is terminated, whichever is later.
I-9 Retention

Retention Date: Which is Greater?
Things to Remember

• Do not allow anyone to work without completing an I-9.
• Do not leave any blank spaces when completing the form; use N/A when the question does not apply to the employee.
• Do not allow anyone to work without completing an I-9.
• Only use Blue or Black ink to complete the form.
• Do not allow anyone to work without completing an I-9!
• Complete the form by the mandated deadlines.
• Do Not Allow Anyone to Work Without Completing an I-9!
Additional Information

• Visit the U.S. Citizenship and Immigration Services website for additional information regarding Employment Eligibility Verification.

• https://www.uscis.gov/i-9
Questions?
Announcements & Deadlines
Announcements & Deadlines

• Greeting New Employees
Announcements & Deadlines

• Job Postings
Announcements & Deadlines

• Follow us on Twitter!

• @umemphisjobs
  Staff Job Announcements from WorkforUM

• @uofmemphisbf
  Business & Finance
Announcements & Deadlines

• Faculty Summer Compensation Upgrade Going Live May 1

• Training sessions will be provided on May 5\textsuperscript{th} to highlight new features.

• Registration is open now in Learning Curve.
Announcements & Deadlines

• Excellence Awards
  POSTPONED TO SUMMER
  Details Forthcoming

• Presidential & TIAA Excellence Awards
• Community Service Outreach Award
• Harriet R. Montgomery Customer Service Award
  Recipients
Announcements & Deadlines

• Take Our Daughters and Sons to Work Day

• Friday, June 2, 2017

• Ages of 8-18

• Registration will be online
Announcements & Deadlines

• Continuing to complete paper timesheets & leave reports

• [http://www.memphis.edu/bf/forms/finance.php](http://www.memphis.edu/bf/forms/finance.php) (Payroll section)

• Injunction currently scheduled through May 1st (at least)
Announcements & Deadlines

• Final Spring 2017 HR Brown Bag Session:
  • April 20: Effective Coaching

The Summer Brown Bag Series will kick off in May!
Announcements & Deadlines

• Workforum Training
  Wednesday, April 26, 2017
  1:30-4pm
  178 Administration Building

• Please register in Learning Curve!
THANK YOU!

www.memphis.edu/hrpartners