

# Interim E-Verify Process for New Hires

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Legislative Bill 403 (LB 403) will take effect in the State of Nebraska on October 1, 2009. This law mandates the use of the Federal E-Verify program to ensure any employee hired on or after October 1, 2009, is legally able to work in the United States. The E-Verify program is the result of three federal agencies' collaboration (United State Citizenship and Immigration Services - USCIS, the Social Security Administration – SSA, and the Department of Homeland Security- DHS), to create one database where citizenship or other legal work status can be verified.

All E-Verify submissions for newly-hired **state employees** (*excluding the University of Nebraska and State Colleges*), will be done centrally by the Administrative Services State Personnel Division.

To ensure compliance with LB 403, each agency must follow this process beginning Thursday, October 1, 2009:

**Step 1:** The agency must require all newly hired employees to complete the Form I-9 by their first day of employment. New hires can complete the Form I-9 once the agency has made the job offer and the new hire has accepted. This requirement does include both permanent and temporary employees. E-Verify must be used for all new hires regardless of national origin or citizenship status. It may not be used selectively.

**Step 2:** The agency must complete the NIS Employee Master on or before the employee's first day of employment. A list of all required fields on the Employee Master is available on the **State Personnel Division website**: <http://www.das.state.ne.us/personnel/>

The Employee Master is where the agency will record the necessary information to begin the E-Verify process. **Note:** A new screen has been added to the Employee Master and will appear after the "Employment Information – Personal screen". The new screen is titled Employee Information – Certification Revisions screen. This is where the E-Verify information will be entered.

**Step 3:** On a daily basis, the State Personnel Division will run an E-Verify New Hire report and enter each new hire into the Federal E-Verify database.

**Step 4:** The State Personnel Division will submit the initial query to E-Verify by the employee's third business day of employment and receive either an Employment Authorized confirmation or Tentative Non-Confirmation (TNC) response from SSA and DHS.

**4A. Employment Authorized Response** -- The State Personnel Division will input the employee's Case Verification Number on the Employee Information – Certification Revisions screen once received from SSA and DHS. The agency will be required to record the Case Verification Number on the new employee's original Form I-9.

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**4B. SSA Tentative Non-Confirmation Response** -- The State Personnel Division will notify the hiring agency if it receives a SSA Tentative Non Confirmation by supplying a copy of the SSA Notice to Employee of Tentative Non Confirmation. A Case Verification Number will not be entered on the Employee Information – Certification Revisions screen until the case has been resolved.

- The Case Verification Number is included on the copy of the SSA Notice to Employee of Tentative Non Confirmation, provided to the agency by the State Personnel Division. This will be the case number that SSA will use to follow an employee's case until it is resolved.

## **Step 6:**

If an SSA TNC is received, the hiring agency is required to meet with the employee and review the results. The agency must instruct the employee to indicate whether he or she wants to contest the SSA TNC decision. Regardless of the employee's decision, the employee must sign and date the SSA Notice to Employee of Tentative Non-Confirmation.

**6A:** If the employee decides not to contest the SSA TNC, the agency must terminate the employee, and there will be no civil or criminal liability.

**6B:** If the employee decides to contest the SSA TNC, the hiring agency will provide the employee with the original SSA Notice to Employee of Tentative Non Confirmation.

- *The employee must visit an SSA office within eight (8) federal government work days of referral to begin the case resolution process for his or her employment eligibility.*
- During the process of contesting the results of the SSA TNC, the employee may continue to work for the State. The agency **may not** take action against the employee related to the SSA TNC while the employee resolves his or her case within the time allotted.
- If the employee contests the SSA TNC decision, the agency must also notify the State Personnel Division (email to the attention Dovi Mueller [dovi.mueller@nebraska.gov](mailto:dovi.mueller@nebraska.gov) or Vicki Logan [vicki.logan@nebraska.gov](mailto:vicki.logan@nebraska.gov) ), of the employee's desire to contest the SSA TNC. The State Personnel division will initiate an electronic "Initiate SSA Referral" process which will allow SSA electronic access to the employee's case when he or she visits the SSA field office to resolve the discrepancy in his or her record.

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This process is intended to be a temporary process while Administrative Services works to develop an easier, more efficient process via the Talent Management Solution. Administrative Services is currently working on that process and will communicate any future changes to all agency Human Resources contacts as those changes occur.

## *Helpful Information for Referring an Employee to SSA*

SSA Tentative Non-Confirmation (SSA TNC) –

This response indicates that the employee's Social Security information could not be verified. The agency must notify the employee of the TNC response and refer the employee to the SSA Field Office if he or she decides to contest the SSA TNC.

If an employee contests an SSA TNC, the agency must refer him or her to SSA. SSA will take the following steps on an SSA TNC case.

- SSA will determine if the Social Security record needs to be updated.
- SSA will update the Social Security records based on acceptable evidence provided.
- SSA will verify the authenticity of evidence submitted with the issuing entity.
- SSA will send the Employer updated case status information.