

# I-9 do's and don'ts

The I-9 form may have changed, but HR's responsibilities for seeing that it's properly filled out haven't. Sidestep potential legal troubles by following these I-9 do's and don'ts:

- 1. Do** require all new hires to complete and sign Section 1 on their first day of work.
- 2. Don't** ask an applicant to complete an I-9 prior to extending a job offer. Information on the I-9 could be used as a weapon in a discrimination lawsuit if the applicant is not hired.
- 3. Do** review the employee's documents to make sure they are on the Form I-9's list of acceptable documents and to make sure they appear genuine.
- 4. Don't** ask the employee for any particular documents or more documents than required by the I-9. The employee chooses the documents, not you.
- 5. Do** establish a consistent procedure for completing I-9s and educate your hiring managers.
- 6. Don't** consider the expiration date of I-9 documentation when making hiring, promotion or firing decisions.
- 7. Do** make and retain copies of all I-9 documentation employees provide. These documents will come in handy in the event of an audit.
- 8. Don't** forget to keep a tickler file to follow up on expiring documents. Notify employees of the need to re-verify documentation 90 days before the current documents expire.
- 9. Do** keep the Form I-9 and copies of an employee's documents for three years after the date of hire or one year after termination, whichever comes later.
- 10. Don't** put the Form I-9 in an employee's personnel file. To protect your company against discrimination claims, keep the I-9 and supporting documentation in a separate file.