



# Employment Eligibility Policy

Effective Date: August 2012

<b>Owner</b>	Board of Commissioners
<b>Reviewer(s)</b>	Human Resources
<b>Approver(s)</b>	Human Resources Director
<b>Related Policies</b>	Employment Policy
<b>Related Standards</b>	N/A
<b>Storage Location</b>	iCobb
<b>HR Last Review Date</b>	October 2020
<b>HR Next Review Date</b>	October 2020
<b>HR Review Cycle</b>	Every two years

## 1. PURPOSE

Cobb County Government is committed to complying with federal laws and regulations concerning verification of employment eligibility and record keeping for employees hired to work in the United States. To this end, certain staff members have been designated to assist the County in such compliance. Anyone with questions regarding any aspect of employment and/or identity verification should contact Human Resources.

## 2. SCOPE

This policy effects All newly hired Regular and Temporary/Seasonal, Part-Time, and Full-Time employees subject to the I-9 employment verification process if they are physically performing work for Cobb County Government. If you have questions regarding this policy, contact Human Resources.

## 3. GOVERNING LAWS, REGULATIONS & STANDARDS

<b>Guidance</b>	<b>Section</b>
IRCA	Entire Act
Georgia Archives as adopted by County Code	<a href="https://www.georgiaarchives.org/records/retention_schedules">https://www.georgiaarchives.org/records/retention_schedules</a>

## 4. DEFINITIONS

**IRCA** – Immigration Reform and Control Act - IRCA prohibits employers from hiring and employing an individual for employment in the U.S. knowing that the individual is not authorized with respect to such employment. Employers also are prohibited from continuing to employ an individual knowing that he or she is unauthorized for employment. This law also prohibits employers from hiring any individual, including a U.S. citizen, for employment in the U.S. without verifying his or her identity and employment authorization on Form I-9.

## 5. POLICY

In accordance with the Immigration Reform and Control Act of 1986 ("IRCA"), Cobb County Government is required to verify the identity and establish that workers are eligible to accept employment in the United States. The IRCA stipulates that the employment verification process be completed in person and that verification be completed **within three working days of the beginning of employment** and backdating of forms is prohibited.

The Department of Homeland Security (DHS) and the Social Security Administration (SSA) have established an electronic system called E-Verify to assist employers further in verifying the employment eligibility of all newly hired employees.



# Employment Eligibility Policy

The failure to complete the I-9 employment verification process within the time limits prescribed is a violation and may subject the County to civil and/or criminal liability.

## 6. PROCEDURES

- A. Upon acceptance of an offer of employment or within three working days of the first day of employment, Human Resources must complete and/or receive a completed I-9 form to have employment eligibility verified.
- B. The documents used by the employee to substantiate employment eligibility must be inspected for authenticity, and only an authorized trained representative must sign the I-9 form.
- C. All departments are prohibited from employing individuals who have not successfully completed the I-9 employment verification process within three working days of date of hire from employing any undocumented worker. This includes independent contractors, staffing agencies, and recruitment firms that use undocumented workers.
- D. If the employee is unable to present acceptable document(s) or resolve a "no match" letter is received from the Social Security Administration within the third business day after employment, the employee will be given an additional 7 business days to resolve any issues. During this time the employees' employment will not be affected and the employee will be afforded the opportunity to resolve any discrepancy in order for the County to verify employment eligibility. However, continued failure of the employee to submit the required I-9 documentation or to resolve any discrepancy may result in immediate termination until the issue is resolved.
- E. The Human Resources Department will contact any active employees whose I-9 documentation has expired. The Human Resources Department will be responsible for following-up on non-compliance with personnel liaisons and directly with employees as needed.
- F. Upon request Human Resources may delegate responsibility for verification of employment eligibility; such departments shall typically have a high level of seasonal hiring activity.
- G. Individuals with such authority must receive training on form I-9 reporting requirements and identification of falsified identification. The Human Resources Department will provide such training and maintain a list of employees authorized to approve I-9 forms.
- H. I-9 forms and copies of the acceptable documents that were reviewed by the departments must be sent to the Human Resources Department. The Human Resources Department will review the I-9 forms for completeness and process in the E-Verify system.
- I. All records regarding verification of employment eligibility will be maintained by the Human Resources Department.
- J. In the first quarter of each year an audit will be conducted of previous calendar year documents related to the verification of employment eligibility. In compliance with Image Best Employment Practices, trained employees not otherwise involved in the I-9 process will conduct the audit process approved by the Internal Audit Manager and the results reported to the County Manager.



# Employment Eligibility Policy

## 7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

## 8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

## REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	08-2012	Human Resources	Adoption
v.1.0-2020	09-2020	Human Resources	Reformat