

# Frequently Asked Questions about E-Verify

**Q. Do I assume any risks for agreeing to the Terms of Service from the I-9 vendor (LawLogix)?**

A. JSA maintains insurance coverage on all employees during the course of their employment for any risk or liabilities associated with the use of the LawLogix operating system.

**Q. The Terms of Service Agreement states that I am assuming “sole risk.” What does this mean?**

A. The “sole risk” you assume is insuring that the information you enter is accurate and true.

**Q. What is my assurance that my information is protected and what recourse do I have if it is not protected?**

A. LawLogix carries a \$16M cyber, general liability, E&O, D&O and employee insurance policy that would compensate individuals for loss should their data be compromised.

**Q. How is Jefferson Lab complying with the new E-Verify requirement?**

A. There are two requirements with which JSA must comply: (1) the ongoing and largely unchanged requirement that we retain I-9 documentation for all employees hired since November 6, 1986, and (2) the obligation to submit data to E-Verify by January 2011.

JSA has chosen to use a Third Party Designated Agent as the tool by which we comply with both these requirements. This Agent stores our I-9 documentation for all employees in a secure electronic format that is safer than paper, and also facilitates the transmission of employee data to the E-Verify system.

The Agent is a company called LawLogix. The product we use to perform both these responsibilities is called Guardian. The URL of the online site where employees access Guardian is [www.perfectcompliance.com](http://www.perfectcompliance.com).

**Q. What is Lawlogix?**

A. LawLogix is the industry leader in electronic I-9 completion/storage. It provides Guardian services to more than 240 clients at more than 3,000 worksites across the U.S. The system has handled more than a half million archival I-9s. LawLogix has more than 700 clients and thousands of licensed users for both its visa case management system as well as the Guardian services. Guardian, specifically, is used by telecommunication companies (such as COX Communications), major airlines (such as US Airways), financial institutions (such as NCO Financial), bio-tech companies (such as Genentech), universities (such as Florida State University), healthcare distribution companies (such as McKesson Corp), and other Fortune 500 companies (such as Affiliated Computer Services), along with leading immigration and employment law firms.

**Q. How was Lawlogix / Guardian chosen?**

A. The decision to select our vendor, LawLogix, as the Third Party Designated Agent for our electronic completion and storage of required I-9 documentation and submission of data to E-Verify, was made after careful and extensive consideration of a variety of factors, including the reliability of the company, its reputation in the industry, its knowledge of the subject matter, and its ability to ensure that the data transmission and storage was secure. The review of the security of the vendor's data transmission and storage was managed by the Lab's Cyber Security Team and Chief Information Officer.

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### **Q. Why has JSA chosen to store I-9s electronically rather than in paper format?**

A. A properly configured and secure system, like Guardian, will always be more secure than a paper based system as it is a rigidly controlled environment that does not permit unauthorized access to documents. All access is controlled through secure logins and passwords and all information is “encrypted at rest” and in transit. The documentation is secure both from unauthorized access and use, as well as protected from major physical disasters (theft, fire, hurricane, flood etc). Overall, an electronic system is superior in efficiency, security, data control and accountability to any paper-based system.

### **Q. What are Lawlogix’s security measures and their security history?**

A. Contractually, LawLogix has a specific affirmative obligation to protect the personally indentifying data of its clients’ employees from any and all privacy breaches and/or inappropriate use.

LawLogix understands that the confidentiality, integrity, and availability of customer information is vital to their business operations and success. It has a multi-layered approach to security to ensure there are no vulnerabilities in the system, network, or company. It also constantly monitors and improves the application, systems, and processes to meet the growing security demands and challenges. LawLogix contracts with a leading security service to perform annual tests of its systems to gauge the effectiveness of defenses against hacking attempts using a combination of automated and manual penetration testing, web application testing, network configuration analysis, and a social engineering exercise.

Guardian’s cyber-threat resistant multiple UNIX server clusters are hosted at a Tier 1 co-location facility located in seismically neutral, non-flood, non-fire risk zone. This facility is SAS 70 Type II certified. Access to the facility is controlled by biometric authentication, swipe card validation, sign-in logs, and 24 hour video monitoring. Redundant storage arrays (using distributed SAN technology) provide protection against data loss in a disaster event and eliminate the need for less reliable storage and safeguarding of “traditional” backup data media. Additionally, all data is mirrored between two co-location facilities in geographically diverse locations. All components reside behind dual redundant firewalls with 24/7 live intrusion monitoring and prevention. There are regular and frequent scans of the network to prevent malicious attacks; state monitoring occurs every 20 seconds, 10 seconds for HA Failover, to ensure all systems are running at optimal performance.

All communications between clients and LawLogix servers are encrypted. All Personally Identifiable Information (i.e. Social Security number, date of birth, etc.) is encrypted “at rest”. Guardian’s system components reside behind redundant firewalls with 24/7 live intrusion monitoring and prevention. LawLogix conducts enterprise level vulnerability scanning and daily penetration testing.

### **Q. What if I do not want to have my data stored in Guardian or submitted to E-Verify through Guardian?**

A. JSA chose LawLogix and Guardian, after significant research, evaluation and review, as the best available means by which to execute our obligations under the law. While we respect concern about the use, storage and transmission of personally identifying information, it is JSA’s opinion that the selected vendor and service represents the best balance between the concern to protect our employees and to execute our legal obligations. The law prohibits employers from continuing to employ individuals who do not comply with the I-9 completion or E-Verification obligations. In the case of employment by JSA, this therefore requires the use of the Guardian system.

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## **Q: What is E-Verify?**

A. E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). E-Verify draws from the databases of two government agencies: the U.S. Citizenship and Immigration Services (USCIS), and the Social Security Administration (SSA). The goal of E-Verify is to provide participating employers with the means to confirm the identity of employees and to verify the employment eligibility of those employees.

## **Q: How does E-Verify affect me?**

A. In June 2008, the President signed an amendment to Executive Order 12989, requiring Federal Contractors to verify the legal employability of *all* employees hired after November 6, 1986, working on Federal contracts. E-Verify is the designated system by which we must perform this verification. Regulations became final on September 8, 2009, and the requirement to use E-Verify was incorporated into our contract with the Department of Energy on July 20, 2010.

## **Q: What is an I-9?**

A. The I-9 Employment Eligibility Verification Form is a document whose use by all employers for all employees is mandated by Congress that prohibits the hiring or continued employment of aliens where the employer “knows” the aliens are unauthorized to work in the United States. From 1986 through September 2010, SURA/JSA required employees to complete paper Form I-9s at time of hire. Beginning October 1, 2010, JSA will require employees to complete electronic Form I-9s.

## **Q. How does E-Verify relate to the Form I-9 completed when I was hired?**

A. Congress has required employers to verify the identity and work authorization of employees since 1986, when it amended the Immigration and Nationality Act (INA) to prohibit the hiring or continued employment of aliens where the employer “knows” the aliens are unauthorized to work in the United States. The means by which this originally was accomplished included the completion of a Form I-9 by the employee and employer, within the first three days of employment. In 1996, Congress established an electronic, Internet-based “Basic Pilot Program” to complement the paper Form I-9 process. The Basic Pilot grew in scope and abilities over roughly 10 years, and eventually was renamed E-Verify. Form I-9 and E-Verify fulfill different purposes. The Form I-9 is a record that the law requires the employer to retain for each employee hired after November 6, 1986. E-Verify is an internet-based system that facilitates the comparison of the data on the Form I-9 to the data in various government databases. JSA is required by law and by the terms of our contract with the U.S. Department of Energy to comply with both the I-9 and the E-Verify processes.

## **Q. What is JSA’s I-9 Obligation?**

A. Jefferson Science Associates, LLC, which manages and operates JLab, is required to Ensure that all new hires complete Section 1 of the I-9 Employment Eligibility Verification Form on or before the first day of hire;

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Review, by no later than the third day of employment, the original document(s) presented by the employee to confirm identity and work authorization, as permitted by regulations and listed on the [Document lists](#) on the reverse side of the Form I-9, Complete Section 2 of the Form I-9 by no later than the third day of employment, and Re-verify the ongoing employment authorization or identity of employees, as necessary, pursuant to regulations.

Beginning October 1, 2010, JSA will begin using an electronic I-9 completion and storage system for these purposes. The electronic I-9 system is accessed at [www.perfectcompliance.com](http://www.perfectcompliance.com).

## **Q. What is JSA's E-Verify Obligation?**

A. For each new hire, JSA is required to submit certain data to E-Verify within three days of the date of hire in the U.S. For employees previously hired after November 6, 1986, JSA must submit certain data to E-Verify per regulations.

## **Q. What data is submitted to E-Verify?**

A. E-Verify requires the following data for submission:

The Employee's:

- o First name, middle initial, last name
- o Maiden name (for women whose last name has changed due to change in marital status)
- o Current U.S. street address (*not* a U.S. postal address, nor a non-U.S. address)
- o Birth date (mm/dd/yyyy)
- o Social Security Number
- o Attestation as to citizenship or immigration status
- o Electronic signature verifying the data is true and relates to the employee

Details of the documentation presented by the employee verifying the identity and basis for work authorization, in accordance with the [Document lists](#) on the reverse of the Form I-9

Name and title of the JSA representative who participated in the completion of the Form I-9

Full legal name and address of the employer

## **Q. I've worked at JLab for years. Does this really affect me?**

- If you were hired by Southeastern Universities Research Associates (SURA) on or before November 6, 1986, then you are not subject to the E-Verify obligation.
  
- All new hires by JSA after October 1, 2010, data will be submitted to E-Verify, and an electronic Form I-9 completed during orientation. It therefore is unlikely that we will be contacting you.

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- If you were hired or re-hired by SURA or JSA after November 6, 1986, but before October 1, 2010, then JSA (1) retains a paper Form I-9 for you, and (2) must submit your information to E-Verify. Employees hired during this time completed paper Form I-9s. Members of the HR group are reviewing all such paper Form I-9s. In some cases, existing I-9 Forms may be used as the basis for the E-Verify submission. In many cases, the paper Form I-9 must be revised or updated. In those instances, an HR representative must contact the employee for assistance.

### **Q: Is E-Verify a one-time process? Or will this need to be done again in future?**

A. E-Verify regulations prohibit a given employer from submitting an employee's data to E-Verify more than once. However, if there is a break in employment at JSA for three years or more, a new E-Verify submission must be made by JSA within three days of the date of rehire.

In addition, one employer cannot rely on the "E-Verification" of an individual by another employer. As a result, all individuals newly hired by JSA must be submitted to E-Verify despite having been "E-Verified" by a previous employer.

### **Q: I thought that completing the Form I-9 was supposed to be completed once only? Why do I have to do a new I-9?**

A. There are some situations where an employee will have completed a Form I-9 at hire, but a new I-9 now must be completed. Examples of such situations include: (a) changes in I-9 rules effected by the regulation imposing E-Verify on Federal Contractors, (b) changes in I-9 law since the original date of completion of the Form I-9, or (c) limitations within the E-Verify system. To prevent any unnecessary inconvenience to our employees, whether a new Form I-9 is needed will be determined only after a careful review of the original Form I-9 by a representative of the HR group.

### **Q: Is JSA required to provide any notification to employees or applicants regarding the E-Verify process?**

A. Yes, JSA must post a notice from the Department of Homeland Security indicating our participation in the E-Verify program. We also must post a related anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the Department of Justice. These notices are posted in various areas around the site, as well as in the International Services and HR offices where the new hires are assisted in the Form I-9 completion process and E-Verify submission.

### **Q: Why is it that only employees hired after 1986 have to complete the I-9 Form?**

A. In 1986, Congress reformed US immigration laws. From that time forward, it was established that the purpose of the I-9 form is to document that each employee, both citizens and non citizens hired after November 6, 1986, is authorized to work in the United States in accordance with the Department of Homeland Security (OMB No. 1615-0047). I-9 information was not collected in this manner on or before November 6, 1986.

### **Q: Why is my assistance required? Why wasn't the Form I-9 completed correctly in the first place?**

A. Members of the HR group are reviewing all Form I-9s for all affected employees. In many cases, existing I-9 Forms may be used as the basis for the E-Verify submission. In some cases, however, updates or changes to the Form I-9 might be required due to the following: (a) changes in I-9 rules effected by the regulation imposing E-Verify on Federal Contractors, (b) changes in I-9 law since the original date of completion of the Form I-9, or (c) limitations within the E-Verify system. In those situations, the HR

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representative will contact the employee to confirm data, obtain new documentation in accordance with the [Document lists](#) on the reverse of the Form I-9, or complete a new Form I-9.

## **Q: How do I know whether I have to do something? What am I supposed to do?**

A. Members of the HR group are reviewing all Form I-9s for all affected employees. In some cases, existing I-9 Forms may be used as the basis for the E-Verify submission. If employee assistance is needed, a message will be sent from an HR staff member. The message will be entitled “Your Assistance is Required in Connection with E-Verify”. The message will contain specific instructions about what is needed – a new Form I-9, correction of data on the existing I-9 form, or merely to see a document. Follow the instructions in the message carefully. If you have questions or concerns, or if the instructions are not clear, please reply to the email with your queries.

## **Q: How do I know if there was a problem when my data is submitted to E-Verify?**

A. The E-Verify system compares the employee’s information against data in both the Social Security Administration (SSA) and various Department of Homeland Security (DHS) databases. In many cases, a response from the E-Verify system is generated in three to five seconds. In some cases, a response from E-Verify may take up to several days.

A positive response from E-Verify is a confirmation that the employee’s data *matches* the data in the SSA and (in the case of non-U.S. citizens) DHS databases. This does not constitute an evaluation about the status of the employee – it merely is an indication that the data was consistent.

A discrepancy between the employee’s data and the data of one or both databases results in a Tentative Non-Confirmation (TNC) response from E-Verify. Again, this does not constitute an evaluation of the status of the employee – it merely is an indication that the data was inconsistent, which can be the result of many things, including typographical errors within the E-Verify submission or one or more government databases. When a TNC occurs, a representative from the HR group will contact you to schedule a meeting to review the TNC. In many cases, the TNC is resolved by a simple telephone call to the SSA or DHS, in which the HR Representative will participate and assist.

## **Q: Why does JSA need copies of my documents?**

A. During completion of the Form I-9 and E-Verify, each employee must present certain documents that relate to the employee’s identity and eligibility for work authorization in the U.S. JSA retains copies of all these documents so that if questions arise during the E-Verify submission or during audit, we can answer those questions without having to further inconvenience our employees. Furthermore, in certain situations, the laws relating to E-Verify actually require JSA to retain such copies.

## **Q: What if my name has changed since the submission of my first I-9?**

A. The new rules that accompany the requirement for Federal Contractors to “E-Verify” current employees also requires the completion of a new Form I-9 whenever the employee now has a different name than that listed on the original Form I-9. Members of the HR Services group are reviewing all Form I-9s for all affected employees. We will identify these situations by comparing the data on the Form I-9 to the data in our employment records, and will contact the affected employees accordingly.

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In these situations, a message will be sent from an HR staff member with further instructions. The message will be entitled “Your Assistance is Required in Connection with E-Verify”.

**Q: My new employee does not have a Social Security number yet. What happens?**

A. It is not uncommon for a new employee to lack a Social Security number at hire. In these cases, the new employee must complete as much of the Form I-9 as possible, and apply for the Social Security number as soon as possible. Members of the International Services Office can provide guidance about the Social Security application if this is wanted. When the Social Security number is issued, the employee should immediately advise the HR Representative who assisted in the initial completion of the Form I-9. The employee must meet with the Representative at that time to present appropriate documents to support the Form I-9, as explained in the [Document lists](#) on the reverse of the Form I-9.

**Q: I have acquired a greencard since I was hired by JSA. Does this affect my situation?**

A. Yes. If an employee has become a lawful permanent residence (greencard holder) after being hired by JSA, then we must complete a new Form I-9 for you. In those situations, an HR Services representative will contact the employee to complete a new Form I-9, and to schedule a meeting to review new documentation in accordance with the [Document lists](#) on the reverse of the Form I-9.

**Q: I have acquired U.S. Citizenship since being hired at JSA. Does this affect my situation?**

A. Yes. If an employee has become a U.S. citizen after being hired at JSA, then we must complete a new Form I-9 for you. In those situations, an HR Services representative will contact the employee to complete a new Form I-9, and to schedule a meeting to review new documentation in accordance with the [Document lists](#) on the reverse of the Form I-9.

**Q: How is JSA complying with the new E-Verify requirement?**

A. There are two requirements with which JSA must comply: (1) the ongoing and largely unchanged requirement that we retain I-9 documentation for all employees hired since November 6, 1986, and (2) the obligation to submit data to E-Verify by October, 2010. JSA has chosen to use a Third Party Designated Agent as the tool by which we comply with both these requirements. This Agent stores our I-9 documentation for all employees in a secure electronic format that is safer than paper, and also facilitates the transmission of employee data to the E-Verify system.