

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Verification of Right to Work		
Policy Number: 104.13	Effective Date: 8/28/2018	Page Number: 1 of 6
Authority: Commissioner	Originating Division: Administration & Finance Division (Human Resources)	Access Listing: Level I: All Access

I. Introduction and Summary:

Employees, hired or re-hired by the Georgia Department of Corrections (GDC), must be authorized to work in the United States (U.S.) as verified through the Employment Eligibility Verification (EEV) System.

II. Authority:

- A. Federal Immigration Reform and Control Act of 1986;
- B. Illegal Immigration Reform and Immigrant Responsibility Act of 1996;
- C. O.C.G.A.: § 13-10-91, Verification of New Employee Eligibility; and
- D. State Personnel Board Rule: 478-1-.06, Recruiting, Screening and Hiring.

III. Definitions:

A. **Employment Eligibility Verification (EEV)** - An internet-based system operated by the U.S. Department of Homeland Security (DHS) and the United States Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA) to help employers determine employment eligibility of new hires and the validity of their social security numbers.

NOTE: Providing a Social Security number on Form I-9 is voluntary for all employees unless working for an employer participating in EEV, which requires an employee's Social Security number for employment eligibility verification. We may not ask an employee to provide a specific document with his or her Social Security number on it.

B. **E-Verify** - DHS electronic process to verify the identity of employees and their right to work in the United States. The GDC E-Verify number is 41699. The Authorization Date is June 28, 2007.

C. List A - Documents that establish both Identity and Employment Authorization:

- 1. U.S. Passport/Passport Card;
- 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551);

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3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa.;
4. Employment Authorization Document 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 bearing the same name as the passport and containing an endorsement of the alien's 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; and
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 admission under the Compact of Free Association Between the United States and the FSM or RMI.

D. List B - Documents that establish Identity:

1. Driver's license or identification (ID) card issued by a state or outlying possession of the U.S. providing 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 photograph;
4. Voter's registration card;
5. U.S. Military card or draft record;
6. U.S. Military dependent's ID card;
7. U.S. Coast Guard Merchant Mariner Card;
8. Native American tribal document; or

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

E. For persons under age 18 who are unable to present a document listed above use the following:

1. School record or report card;
2. Clinic, doctor, or hospital record; or
3. Day-care or nursery school record

NOTE: Since GDC participates in EEV, we may only accept List B documents that bear a photograph.

F. List C - Documents that establish Employment Authorization:

1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the U.S;
2. Certification of Birth Abroad issued by the Department of State (Form FS-545);
3. Certificate of Report of Birth issued by the Department of State (Form DS-1350);
4. Original or certified copy of a birth certificate issued by a State, county, municipal authority or territory of the U.S. bearing an official seal;
5. Native American tribal document;
6. U.S. Citizen ID Card (Form I-197);
7. Identification Card for use of Resident Citizen in the United States (Form I-179);
or
8. Employment authorization document issued by DHS.

G. **"Unauthorized Alien"** - For the purposes of the hiring restrictions in the law, is a person who, at the time of employment, is not (1) an alien lawfully admitted for

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permanent resident, or (2) authorized to be so employed by The Federal Immigration Reform and Control Act of 1986 or the U.S. Attorney General.

IV. Statement of Policy and Applicable Procedures:

A. Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Department is required to:

1. Verify the right of each employee to work in the U.S.;
2. Attest that documentary proof has been provided of this right by completing Form I-9, Employment Eligibility Verification, and EEV; and
3. Maintain records of such attestation.

B. Process:

1. Form I-9 must be completed by both the employee and the employer at the same time that the employee completes all other employment papers.
 - a. New employees must either present an original document from List A, or one original document from List B, plus a separate original document from List C. A certified copy of the birth certificate is acceptable. The document title, issuing authority, document number and expiration date, if any, and the date employment begins must be listed on Form I-9. This applies to all new employees regardless of position.

NOTE: A current employee who changes their name must complete a new Form I-9.

- b. The employer must accept any document or combination of documents which DHS deems acceptable and cannot specify which document(s) they will accept from an employee.
- c. The employer must make reasonable effort to ascertain the legitimacy of the documents but cannot refuse to honor documents that reasonably appear to be genuine.

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C. Employment Eligibility Verification (EEV):

1. The employer will access EEV and enter the requested information on the Initial Confirmation page. This must be completed within three calendar (3) days of hire.

NOTE: The hire date is not always the start date. It is the date that the I-9 is signed.

2. EEV is accessed by using the following link and upon initial login, the user will be prompted and required to change the assigned temporary password. Once changed, the user will then be required to complete an on-line tutorial and receive a passing score to gain access to EEV: <https://e-verify.uscis.gov/emp/>
3. The printout of EEV results stating, "Employment Authorized", Form I-9 and copies of the verification documents from Lists A or B and C must be sent to Corrections Human Resources Management as part of the hiring package.
4. In the event that the person is not authorized during the initial verification process through EEV, it is the responsibility of the applicant to resolve this issue prior to being employed.
5. Once the person is deemed "Employment Authorized", the case is closed in EEV by selecting "Resolve Case" and no further action is needed on this person.
6. Persons who are unable to present required documents may present a receipt under the following guidelines:
 - a. Receipts for the application of a replacement document where the document was lost, stolen or destroyed which can be a List A, List B or List C document. The employee must present the replacement document within ninety (90) days of the date of hire.
 - b. Arrival portion of a Form I-94 or I-94A with an attached photo and a temporary I-551 stamp, which is a receipt for a List A document for a Lawful Permanent Resident. When the stamp expires, or if the stamp has no expiration, one (1) year from date of issue, the employee must present the Form I-551 Permanent Resident Card.

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- b. Departure portion of the Form I-94 or I-94A with an unexpired refugee admission stamp, which is a receipt for a List A document. Within ninety (90) days from date of hire, the employee must present an unexpired Form I-766 or a List B document and an unrestricted Social Security card.
 - c. When the employee provides an acceptable receipt, the employer should record the document title in Section 2 of the Form I-9 and write the word “receipt” and any document number in the “Document #” space. When the employee presents the actual document, the employer should cross out the word “receipt” and any accompanying document number, insert the number from the actual document presented, and initial and date the change. Failure by a newly-hired employee to adhere to these time frames may result in his/her termination from employment.
7. If a potential employee refuses to provide the required documentation, that person should not be allowed to begin work since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.
 8. Persons whose work authorizations expire must provide proof of current work authorization not later than the date the work authorization expires. Failure to do so may result in his/her termination from employment.

V. Attachments:

None.

VI. Record Retention of Forms Relevant to this Policy:

None.