

Interim E-Verify Process for New Hires

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, the Social Security Administration and the Department of Homeland Security), to create one database where citizenship or other legal work status can be verified.

All E-Verify submissions for newly-hired state employees will be done centrally by the Department of Administrative Services State Personnel Division.

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

- Step 1: Agencies must have all newly-hired employees complete the Form I-9 on their first day of employment. This requirement will include both permanent and temporary employees and must be completed on the first working day. 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 the employee's first day of employment.
- Step 3: A report will be developed and run each day by the State Personnel Division for all newly hired employee(s).
- Step 4: The State Personnel Division will submit the initial query to the USCIS by the employee's third business day of employment and receive either a confirmation or tentative non-confirmation response from USCIS.
- Step 5: The State Personnel Division will notify the hiring agency if it receives a Social Security Administration (SSA) Tentative Non Confirmation (TNC), and will provide the agency with the Notice to Employee of Tentative Non Confirmation.
- Step 6: The hiring agency is required to meet with any employee who receives a SSA TNC 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 TNC referral letter and a copy of the referral letter must be given to the employee. (The referral letter issued by E-Verify and sent to the agency by State Personnel will contain specific instructions and contact information for the employee).
 - 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.

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6B: **If the employee decides to contest** the SSA TNC, the hiring agency will provide the instructions below on what the employee should do next.

- 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.

Time allotment for resolving a SSA TNC: The employee must visit an SSA office within 8 federal government work days of referral to resolve his or her employment eligibility.

- If the employee contests the SSA TNC decision, the agency must also notify State Personnel of the employee's desire to contest the SSA TNC. State Personnel 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.

This process is intended to be a temporary process while the Department of Administrative Services works to develop an easier, more efficient process. The Department is currently working on that process and as will communicate any future changes to all agency human resources contacts.

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Helpful Information for Referring an Employee to SSA

SSA Tentative Non-Confirmation (SSA TNC) -

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