

## FAQs

### Form I-9 Compliance Process and Enforcement Policy

QUESTION	ANSWER
Who is required to complete Form I-9 (e.g., graduate students being paid for supplementary work (non-union), faculty members from a discretionary account)?	Any employee (temporary, faculty, student, international, etc.) who will be paid wages (6xxx account code), Form I-9 is required. For a list of possible exceptions for completing Form I-9, please see the Form I-9 Policy document ( <a href="https://hr.northwestern.edu/documents/formi9-official-policy.pdf">https://hr.northwestern.edu/documents/formi9-official-policy.pdf</a> ).
Can a new employee complete section 2 of Form I-9 after they accept an offer and before their first day of work?	Yes. After accepting an offer, new employees may complete both Sections 1 and 2 before their first day of work. According to federal guidelines, Northwestern cannot request new employees to complete Form I-9 before they accept an offer.
For faculty, we have been using the first day of teaching as their start date. Does the tracking system and enforcement policy use that first day of teaching as a start date, or will it use some other date as their official start date?	Per federal guidelines, HR uses the actual hire date provided on the hiring documentation submitted to HR for faculty, not the start of the teaching quarter. For example, if a faculty member's start date is submitted as 9/1, and the class they teach starts on 9/15, then the start date to calculate compliance is 9/1.
What is the start date used for students?	For monthly paid graduate student assistants, our policy will calculate compliance dates based on the first day of classes for that quarter.  For temporary student employees, our policy will calculate compliance dates based upon the start in myHR.
Foreign nationals often complete Form I-9 before they have an SSN. As part of that, they must contact HR and get access to the I-9 Service Center again to update their SSN in their record. Is there a process in place for enforcement if they do not add the SSN to their I-9?	Yes, we already have an internal process to identify and follow up on missing SSNs, and we plan to continue that. If the initial Section 2 is submitted on time, the employee will be considered "compliant" with our process, even if they are still waiting on the SSN.
How long is Form I-9 valid for international students (who often complete Form I-9 for one temp job, then have another temp job a few months later)?	If an employee has continuous employment, they do not need to redo Form I-9. If international students are not continuously rehired, then you must search for the employee in the I-9 Service Center to check on the status of the employees. If the employee needs a Section 3 rehire, contact askHR.
If the employee is temporarily terminated for a missing Form I-9, will they be paid for any work done?	Yes, they will be paid for the time worked. In addition to the legal requirement of Form I-9, we also must legally pay them for any work performed.

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<p>When sending verification of Form I-9 completion after Day 4 (Noncompliance) or Day 7 (Temporary Termination), is a Position/Appointment form submitted through OnBase required? How is the verification of Form I-9 sent to HR?</p>	<p>No, a Pos/Apt form will not be required to either remove the noncompliance flag (after Day 4) or rehire an employee (after Day 7). Verification must be submitted by replying to the askHR email sent to the employee, the employee's supervisor, and the I-9 Compliance Officer. Any individual who received a copy of the noncompliance (Day 4) or temporary termination (Day 7) email may reply attaching the verification documentation)</p>
<p>When an employee is temporarily terminated (after Day 7), what will be the rehire date--the original hire date, or the date on/after the I-9 is completed/finalized? Relatedly, for benefits-eligible employees, will a temporary termination employee that is rehired have their benefits eligibility be deferred until the next month? What about continuous employment status for foreign scholars on Visa?</p>	<p>When an employee is rehired after temporary termination due to Form I-9 noncompliance, the rehire date will effectively be the temporary termination date. This is to ensure there is no lapse in employment.</p>
<p>I am a little unclear about the policy for retroactive hiring. If the I-9 is completed at the time the paperwork is submitted to HR, but the I-9 completion was four days after the retroactive hire date, is that a situation where the paperwork will be rejected?</p>	<p>If the new employee has completed Form I-9 on file on the day the retro hire paperwork is submitted (i.e., the action date), the employee is considered compliant no matter what the start date (i.e., the effective date).</p> <p>If the new employee does not have completed Form I-9 on the day the retro hire paperwork is submitted (i.e., the action date) but it is less than four business days from the start date (i.e., effective date), HR will process the hiring paperwork. However, the compliance deadline will be calculated from the effective start date, and the employee will be flagged noncompliance on Day 4.</p> <p>If the new employee does not have a completed Form I-9 on the day the retro hire paperwork is submitted (i.e., the action date) but it is more than four business days past the start date (i.e., effective date), HR will NOT process the hiring paperwork (i.e., NU cannot process paperwork for an employee who is already Form I-9 noncompliant).</p>
<p>Is askHR still available for I-9 meetings?</p>	<p>askHR is still available for Section 2 meetings when an employee cannot meet with a local Section 2 Processor before the compliance deadline and to assist when complications arise. To view location hours and how to request either in-person or remote I-9 assistance see <a href="https://hr.northwestern.edu/essentials/hr-systems/e-verify/completing-your-i9.html">https://hr.northwestern.edu/essentials/hr-systems/e-verify/completing-your-i9.html</a></p>