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About the Newly-hired Employee

What if the employee needs assistance completing section 1 of Form I-9?
You or someone else may complete section 1 for the employee, however, anyone who completes section 1 on the employee's behalf will need to fill out and sign the preparer/translator section of the form. Even with assistance, the employee still needs to sign his/her part of section 1.

What if the employee did not complete section 1 on or before his/her first day of employment?
As soon as it is discovered that an employee did not complete a section 1, you must provide the employee with instructions on how to complete Form I-9 and instruct him/her to complete it that day. You will need to allow 3 business days from that day for the employee to provide acceptable documents in order for you to complete section 2. FIOS will automatically prevent backdating.

What if an employee does not or cannot provide his/her acceptable document(s) to establish both identity and the right to work in the United States by the end of the third business day from the day he/she started work?

When an employee does not provide documents within the allotted timeframe, UCI is out of federal compliance and is required to separate the employee. Contact your Employee Relations representative and notify him/her if this situation occurs. You are advised to notify your ER representative one day in advance if you suspect that an employee may not be able to provide acceptable documentation by the required deadline.

You may remind the employee of his/her approaching deadline to turn in the acceptable documentation, but you are advised to do so tactfully.

What if I hired an employee that will not be onsite for me to examine his/her acceptable documents within the allotted timeframe?
Please contact your recruiter to inform him/her of the situation. Your recruiter will be able to partner with you to obtain a responsible agent to act on behalf of the university to complete section 2.

What happens if my new employee completes section 1 and then terminates before starting?
You will have to retrieve the employee's Form I-9 from the pending status folder. Click on the section that says "Employee terminated before completing I-9," then click "continue."

What happens if a current employee is terminated or leaves UCI?
HR monitors terminations and will purge/archive the forms accordingly.

Does a current UCI employee (including campus and Medical Center) need to complete a new I-9 if (s)he transfers to another UCI department?
No. The only instance in which a transferred employee would need to fill out a new Form I-9 would be if (s)he is transferring from another UC campus.
Does a rehired UCI employee need to complete a new I-9?
Yes. If the employee separates from the university and then returns, (s)he will need to complete a new Form I-9 that includes the new date of hire.

What if an international scholar does not know what his/her permanent residence will be when they complete section 1?
The scholar can use his/her current address, and then update the address in section 1 when (s)he arrives on his/her first day of employment.

What if your employee is out of the country, hired, but does not arrive in the country until 2 weeks later? How would the department stay in compliance with the 3 full business days it has to submit section 2?
The University of California is working with USCIS with regards to our employee hiring process since unique cases such as this arise. We ask that you contact Cecilia Preciado, HR Compliance Coordinator, to discuss your particular situation and what the best plan of action would be.

About Form I-9

Can an employee provide any document listed on the full list of acceptable documents for Form I-9?
No, the list will change to provide a specific list of acceptable documents based on the citizenship/work status that the employee selected in section 1 of Form I-9.

Can a department keep a copy of the employee's Form I-9 for their personnel records?
No. The employee's Form I-9 will be stored online so there is no need to store it in their file. Departments should not keep a hardcopy.

Can a paper Form I-9 still be used?
All of UCI, including the campus and Medical Center, will be using FIOS (Form I-9 Online System) as of February 1st, 2013. A paper Form I-9 can only be used in rare circumstances. Please contact Cecilia Preciado, HR Compliance Coordinator, if you feel you are in a situation where you will need to use a paper Form I-9.

What should be listed as the employee's hire date?
The date of hire is the first day the employee is on pay status.

When is it required for an employee to include his/her social security number in section 1?
Only employees that are required to partake in E-Verify are required to provide a social security number in section 1. For all non-E-Verify employees, providing a SSN is optional.

Do nonpaid volunteers or visitors need to fill out Form I-9?
According to The U.S. Citizenship and Immigration Services Handbook for Employers (M-274), "*You must complete Form I-9 each time you hire any person to perform labor or services in the United States in return for wages or other remuneration. Remuneration is anything of value given in exchange for labor or services, including food and lodging*" (pg.3). Therefore, nonpaid volunteers or visitors do not need to fill out an I-9 unless they will be compensated by the university in some form (ex. stipend, housing, paid conference fees, monetary awards, etc.).

It is okay if the name listed in section 1 does not match the acceptable documents the employee provides?
Yes, as long as the employee can provide an explanation that you believe to be reasonable as to why the names don't match (ex. a recent marriage).

What if you think a document is not genuine?
You can let the person know, "I cannot accept this document since it does not seem to be genuine or pertain to you. Can you please bring another document from the list?" If the person requests to speak with HR, you have that option as well.

How can I get access to the FIOS system?
Access to the Form I-9 Online System (FIOS) is granted to I-9 processors that have attended the Form I-9 Online System (FIOS) training, and have submitted a FIOS Access Request Form (.pdf) signed by their supervisor. Processors can sign up for the training through the UC Learning Center website (keyword search: FIOS).

When can the new employee access the FIOS system?
The new employee has access to the employee FIOS login website when they receive the FIOS employee instructions (.pdf). Section 1 must be completed by the employee on or before his/her start date.

How will the new employee get the UCI code to login with?
The employer code for UCI, **14649**, is included in the FIOS employee instructions (.pdf) you send to the employee.

How does the employee electronically sign section 1 of Form I-9?
The employee will need to sign using his/her first initial of the first name, middle name initial (if provided), and the first initial of the last name provided in section 1.

How does an employee correct a mistake made in section 1 after the Form I-9 has been submitted?
There are a few different ways a mistake in section 1 can be corrected after the employee has submitted Form I-9.
  I.   If the employee is correcting the error form a location outside of UCI (ex. from home), (s)he can login and create and submit a new Form I-9. The system will only save the most recent Form I-9 submitted by the employee.
  II. If the employee has come in for his/her first day of work and notifies a UCI representative that a mistake was made in section 1 there are a few options to edit the errors:
      1. **The UCI representative processing section 2 makes the edits:** The UCI representative can select the "edit" button in section 1 and make the edits. In doing this the system will note that the UCI representative has now taken on the role of the preparer/translator.
      2. **Employee makes the edits:** The UCI representative can select the edit button in section 1 and allow the employee to make the edits. In doing this the UCI representative will need to clear the preparer/translator fields so the system will acknowledge that it was the employee making the changes. The employee will be asked to electronically re-sign.

What if there are multiple employees with the same name listed in the pending folder when I log into FIOS? How do I know which Form I-9 belongs to my employee?
Look at the address provided on the application of the employee and compare that against the addresses listed on the Form I-9s with matching names. Please note that the employee does not identify which department they belong to when completing section 1 so the system will not specify which pending I-9s belong to your department. You will have access to see all pending I-9s for UCI.

Will I receive notifications from the system when my new employee has filled out section 1?
No. It is your responsibility to check the pending folder in FIOS and complete section 2 when the employee comes in with their documentation.

Will the system notify me when I have an employee that needs to be reverified?
No. You need to take note of when your employee's documents require reverification and/or when receipts will expire. HR will contact you, but it is your responsibility to follow-up on any pending I-9s, approaching deadlines, or overdue reverifications. Do not rely on a reminder from HR.

What if I delete an existing pending I-9 on accident?
The employee needs to resubmit a new I-9 with section 1 completed.

Is the submission of section 1 in real time? Can I follow up with section 2 right after?
Yes. Be sure to refresh the pending list when you login to the FIOS system. Your employee's form should be there.

How long do pending I-9s stay in the system?
Pending I-9s are kept in the system 9 months after they are submitted by the employee.

Can I allow someone to use my UCInetID and password to process section 2 of Form I-9 on my behalf?
No. Do not allow anyone to log into the system under your login and password. If a mistake was made by a person logging in as you, YOU would be held liable.

If the employee logs out of FIOS and didn't print a copy of the receipt of completion, can they log back into the system and print it?
No. Once the employee submits the form, they cannot access it again.

Can I request to see only my new employees in the pending folder and not all departments' new employees? I am concerned about the sensitivity of seeing so many other people's personal information that does not pertain to my department.
No, the employee does not identify what department they belong to when they complete section 1 of Form I-9.

Who should I contact if the employee has trouble logging into FIOS?
Cecilia Preciado, Compliance Coordinator, UCI Human Resources, at (949) 824-9108 or preciadc@uci.edu.