

Online I-9 Processing Frequently Asked Questions

GENERAL QUESTIONS

Q. What system does the University use to process I-9's?

A. The University uses the Guardian System by LawLogix to process I-9s for new hires, rehires, reverifications and transfers

Q. How do I get access to Guardian to begin processing I-9s?

A. Contact your Location's I-9 Coordinator to gain access to the system. You must complete the I-9 Processor Essentials Training before receiving access to the system.

Q. I am an I-9 Processor. Who do I contact if I forgot my Guardian password?

A. Contact your Location's I-9 Administrator and they will reset your password.

Q. Who do I contact if the Guardian System is down?

A. Contact the Systemwide Administrators at I9Administrator@ucop.edu

Q. How do we complete an I-9 for employees without internet or computer access?

A. Some employees may be unable to complete Section 1 of the form I-9 electronically. Alternatively, employees may complete Section 1 and Section 2 with the I-9 Processor on their first day.

Q. How do we complete an I-9 for employees without an email address?

A. Some employees may be unable to complete Section 1 of the form I-9 electronically. Alternatively, employees may complete Section 1 and Section 2 with the I-9 Processor on their first day

Q. What languages are available for the Form I-9 in Guardian?

A. The Form I-9 is available in English and in Spanish. The Spanish version may be used as a translation guide, the English version must be completed and retained.

Q. Can the I-9 process be completed prior to the employee's first day of work?

A. Yes, as soon as an offer is accepted, the I-9 process may be completed.

Q. What do I do if the employee's start date changes sometime during the I-9 process?

A. Adjust the start date on the I-9 Details tab in Guardian and make sure it matches the employee's profile on the employee's Job Details tab. If the I-9 is already approved and needs to be changed, contact your I-9 Coordinator to "amend" the I-9.

Q. Under what circumstances would I complete Section 3 of the I-9?

A. You would complete Section 3 of the I-9 for the following reasons:

- A change to identity information (such as a legal name change) for a current employee
- If the employee's employment authorization has expired and they are presenting new documentation
- If you rehire an employee within three years of the date that the original I-9 was signed

Online I-9 Processing Frequently Asked Questions

E-VERIFY

Q. Who is subject to E-Verify?

A. New and existing employees who are assigned to and performing substantial work on a qualified federal contract/subcontract that contains the Federal Acquisition Regulation (FAR) clause also known as the E-Verify clause.

Q. How do I E-Verify an existing employee?

A. If the employee's I-9 is in Guardian, change the Location to the E-verify location, submit to the FAR Queue and then send to E-Verify. If the employee's I-9 is not in Guardian then, add an archival I-9 using the E-Verify location and follow the steps to E-Verify an employee.

Q. Who is responsible for performing the E-Verify process?

A. The I-9 Processor will complete the E-Verify process for applicable employees.

Q. If the Form I-9 is complete, how do you run a case in E-Verify for an employee who has a future hire date? Do you date ahead?

A. Creating a case in E-Verify is contingent on the Form I-9 being complete. Employers can enter an anticipated start date in E-Verify as the hire date; future dates are acceptable.

Online I-9 Processing Frequently Asked Questions

REMOTE HIRES

Q. What is a Remote Hire?

A. An employee who will be paid by the University but will not physically work at or in proximity to a UC location or will not be physically present at the University at the time he or she is initially hired.

Q. What happens if an employee that is set up as a remote hire in Guardian decides to come in person to complete their I-9?

A. You can retrieve the employee profile in the Guardian System and complete Section 2 as you would for a non-remote hire.

Q. Is a remote hire required to use a specific remote agent to complete Section 2 on the University's behalf?

A. For remote hires, the University is not pre-defining remote agent representatives; however the remote agent must be either: a notary, a licensed attorney, employed in Human Resources or an agent referred by the University

Q. I setup an employee in Guardian to complete their I-9 in person but now they need to complete it remotely. What do I do?

A. If an employee record was already created and there is a pending I-9, delete the pending I-9 and "Create a New Employee with Remote Agent".

Q. A remote agent completed the I-9 for a Remote Hire but when the I-9 Processor reviews the Form I-9 it is found to be incomplete or has errors. What should the I-9 Processor do at that point?

A. The I-9 Processor should immediately contact the Remote Agent to make the necessary corrections. If the issues remain unresolved, the I-9 Processor should contact their I-9 Coordinator for further guidance.

Online I-9 Processing Frequently Asked Questions

SEPARATED EMPLOYEES

Q. What happens if a new employee completes Section 1 and then does not start work for the University?

A. Retrieve the employee's I-9 Form from the pending status and park it as an incomplete I-9. This way you can track the history.

Q. What happens if a current employee is separated?

A. Enter a termination date in the employee I-9 profile so the I-9 can be purged following the legal guidelines. The I-9 Administrator will monitor purging I-9 documents in the system.

Online I-9 Processing Frequently Asked Questions

SCANNING I-9 DOCUMENTATION

Q. What is the preferred equipment for scanning documents to be uploaded into Guardian?

A. The Lexmark scanner that integrates with Guardian is the preferred equipment.

Q. What are the benefits of using a Lexmark scanner that integrates with the Guardian system?

A. The Lexmark scanner and the Guardian integration allows you to scan original documents directly into your employee's electronic record through a secure and consistent document retention method.

Q. If your location will not be using the recommended Lexmark Scanner to scan and upload documents, what security measures should be followed when using other network scanners?

A. Please refer to the [Security Measures for Scanning I-9 Backup Documentation](#) for detailed guidance. You can also consult with your local information Security Dept.

Online I-9 Processing Frequently Asked Questions

SYSTEM QUESTIONS

Q. Does the Guardian System track employees needing reverification?

A. Yes, the Guardian system tracks the work authorization expiration dates and sends notifications to the I-9 Processors beginning 120 days before the expiration date (with subsequent notifications).

Q. How do you upload a paper I-9 into the Guardian System?

A. For a current UC employee, begin a new I-9 and select the "Archival I-9" option. For a new hire whose I-9 is completed using the paper form, you will begin a new I-9 and select the "New Hire Paper I-9" option.

Online I-9 Processing Frequently Asked Questions

TRAINING

Q. Where can I find training on how to use Guardian to process I-9's?

A. Training and other resources are available in your location's Learning Management Site. In addition, there are tutorials in the "Tutorials" library in the Guardian System as well as on the [I-9 Information Site](#).

Q. I am an I-9 Processor. Is it mandatory that I take training prior to using the Guardian System?

A. Yes you must complete the "I-9 Processor Essentials" training prior to using Guardian?

Q. I am an I-9 Coordinator. Is it mandatory that I take training prior to using the Guardian System?

A. Yes, you must complete both the "I-9 Processor Essentials" and the "I-9 Administrator/Coordinator Essentials" training prior to using Guardian.

Q. Are there ongoing I-9 webinars available to I-9 Processors so they can stay up to date on I-9 compliance?

A. Each location will receive announcements for upcoming live webinars hosted by LawLogix which are available to all University employees.

Online I-9 Processing Frequently Asked Questions

TECHNOLOGY

Q. What are the system requirements for using the Guardian System?

A. The system requirements are as follows:

Operating System:

Windows: Windows XP SP3

OSX 10.6

CPU:

Pentium Core 2 Duo or Athlon X2 at 2.4 GHz

Memory: 1 GB RAM

Q. Are there browser restrictions when using the Guardian System?

A. Yes. The browser requirements are as follows:

Browsers:

Internet Explorer 8 or higher

Safari 5.0.5 or higher

Chrome 5 or higher

FireFox 12 or higher

- All browsers must have Javascript and Cookies enabled
- Earlier browser versions do not support HTML5. As a result, users attempting to utilize Guardian with an older browser may encounter display or functionality issues

Online I-9 Processing Frequently Asked Questions

TRANSFERRING EMPLOYEE PROCESS

Q. What is the process for transferring the Form I-9 when an employee transfers from one location to another (including Lawrence Berkeley and Lawrence Livermore Labs)?

A. If there is an electronic I-9 in the Guardian System, a transfer request will be sent to the System-wide Administrator who will transfer the I-9 to the new location. If there is no electronic I-9, the paper I-9 should be sent to the new location for entry into Guardian.

Q. What if the new location does not have Guardian?

A. The transfer location will print and send a PDF copy of the I-9 to the new location.

Q. What is the procedure in the unlikely event the original I-9 cannot be found?

A. The employee will need to complete a new I-9 with their new location.

Online I-9 Processing Frequently Asked Questions

NON US CITIZEN EMPLOYEES

Q. Will the Guardian system accept an Individual Taxpayer ID number (ITIN) in lieu of a Social Security Number?

A. ITINs are for federal tax reporting only, and are not intended to serve any other purpose. An ITIN does not authorize work in the U.S. An ITIN is a nine-digit number that always begins with the number 9 and therefore the Guardian system will not accept it since it is out of the range of valid SSNs.

Q. How is the I-9 completed for a new employee who is on an F-1 student or J-1 visa exchange visitor visa?

A. Employees in these categories must present additional documentation that proves their eligibility to work in the United States. Please refer to the tutorial located on the [I-9 Information Site](#).

Q. What is H-1 Portability?

A. H-1 portability is a provision that allows non-immigrant workers who are in H-1B status and already working for an approved H-1B employer to change employers (port) and actively start work for a new H-1B employer as soon as a I-129 Change of Employer (COE) Petition is filed with USCIS.

Q. How do I process the I-9 for an employee with H-1 Portability?

A. Please refer to the tutorial located on the [I-9 Information Site](#).

Q. How is the Form I-9 completed for employees with valid and pending Deferred Action for Childhood Arrival ("DACA") applications?

A. Approved DACA applicants are issued Employment Authorization Document ("EAD") cards by USCIS for up to two (2) years at a time. Like all other employees, the DACA employee must complete and sign a Form I-9 within 3 days of hire. The employer is responsible for documenting the EAD and its validity dates on the Form I-9, under Section 2. The employer should not request additional documentation to confirm DACA status, the EAD card is sufficient.

Q: Can a state issued Driver License that is issued to an undocumented immigrant be used as a list B document for I-9 purposes?

A: This type of Driver's License can be used as a valid List B document for I-9 purposes along with a valid List C document even though it may have an annotation such as "Not to Be Used for Federal Identification", "Not Valid for Identification" or "Driving Privileges Only." Despite this rule employers cannot hire someone if they have actual or constructive knowledge that they are not authorized to work in the U.S.