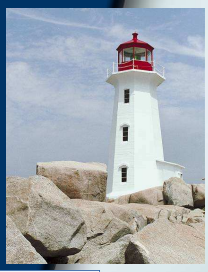


The “I-9 Solution”

A web-based system from Lookout Services which replaces the paper forms, solves I-9 problems and provides electronic Employment Eligibility Verifications.

Introduction

Washington State University is partnering with Lookout Services to provide web-based I-9 services and I-9 compliance.

The “I-9 Solution” increases the overall efficiency of I-9 processes, provides centralized visibility and management, and is a paperless solution with electronic signature.

The I-9 Solution is patent pending as the first commercially available, automated I-9 on the market. The software is proven to be the most thorough software using flexible state of the art technology and legal intelligence to help companies stay compliant and prevent fines. Lookout's I9 software is constantly maintained and improved daily by a highly capable team of software developers and a team of experienced immigration and labor attorneys.

Since 1987, employers have been required to verify the employment eligibility of every employee working in the United States, including US citizens. To comply with this requirement, employers must ensure that all employees complete the DHS Form I-9 and maintain all I-9 records on file for government inspection.

Form I-9 appears simple, but the process and issues are complex. Without effective assistance in maintaining the balance between employing a legal workforce and avoiding discrimination, employers are vulnerable to fines, lawsuits, and other serious penalties.

Immigration Reform and Control Act

General Requirements

In accordance with the Immigration Reform and Control Act (IRCA), all employers are required to complete Form I-9 for all employees hired or rehired after November 6, 1986 within three business days of the employee's date of hire. Proper completion of I-9 Forms is intended to ensure that U.S. employers only employ individuals who are authorized to work in the United States as well as helping to ensure that employers do not commit certain discriminatory practices against individuals who are work authorized. Accurate and timely completion of the I-9 Form is essential to compliance with federal regulations. Failure to complete Forms I-9 in a timely fashion can result in serious penalties.

Enforcement and Internal Procedure

Two divisions of the Department of Homeland Security, the United States Citizenship and Immigration Services (USCIS) and the Bureau of Immigration and Customs Enforcement (BICE), are responsible for rules and enforcement related to IRCA. The U.S. Department of Labor and the U.S. Department of Justice Civil Division's Office of Special Counsel for Unfair Immigration-Related Employment Practices also have enforcement authority. Contact Human Resource Services immediately if you receive telephonic, written, or other communication from any of these entities.

Electronic Signatures

HR 4306 signed into law Oct. 30, 2004, allows electronic signature on employer's Forms I-9 and allows for electronic storage of Forms I-9.

Original signatures are still required on the paper forms.

Paper I-9's

The transition from paper to electronic will occur over a period of time. WSU will not be placing the current 'paper' I-9's into the electronic system. Only new I-9's will be processed online.

During this transition, check DEPPS, TEMPS, or PERMS to see if an I-9 is on file, THEN proceed to the I-9 system if an I-9 needs to be completed.

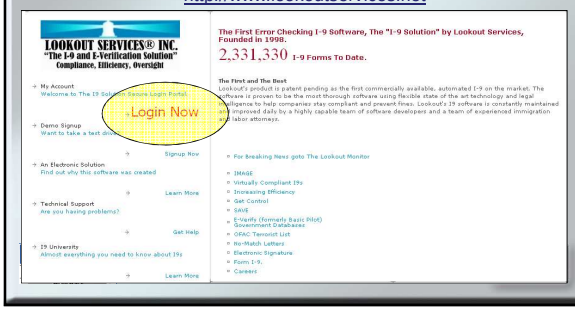
Accessing the online I-9 System

The online system will be used for newly hired employees, including rehired employees whose Form I-9 may remain in the I-9 retention files.

If it is discovered that an I-9 Form for an existing employee is missing, a new I-9 should be completed for that employee immediately.

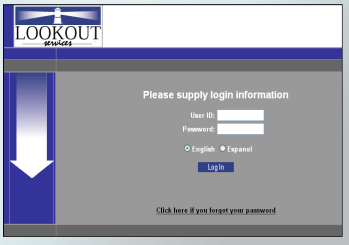
If an I-9 Form of an existing employee requires correction(s), this should be done immediately as well.

To access the online system, open an internet browser (i.e., Internet Explorer or Firefox) and go to:
http://www.lookoutservices.net



Enter the user name and temporary password given to you by Human Resource Services.

You will be required to change your password upon initial entry to the system.



Your new password will have to abide by the following rules:

1. Password will have to be total of at least 8 characters and must contain: at least one uppercase letter, at least one lowercase letter, one number, one special character.
2. Prompts user to change password at least every 90 days
3. User must not reuse any of their five previous passwords over a 15 month timeframe.
4. User account locks out after 5 consecutive unsuccessful logon attempts. To reset the user account, contact Human Resource Services

FORGOTTEN PASSWORD

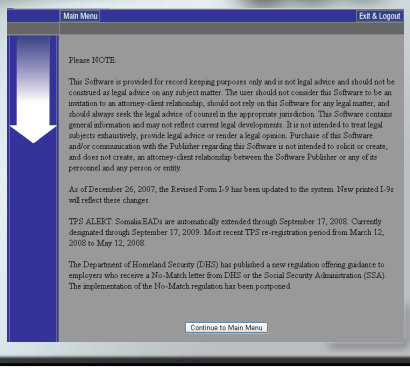
Click on **Go Back** or "**Click here if you forgot your password.**"

If you click on "**Click here if you forgot your password**," your password will be emailed to you.

<u>However if the bad password is entered 5 consecutive times, the user will be locked out of his/her account.</u>

Upon successful login, you will see the messages screen.

Review the messages and notices, then continue to the Main Menu.



Completing Section 1

The law allows completion of Section 1 up to the end of a new employee's first day of services and completion of Section 2 up to the end of the employee's third day of services ("3 day rule").

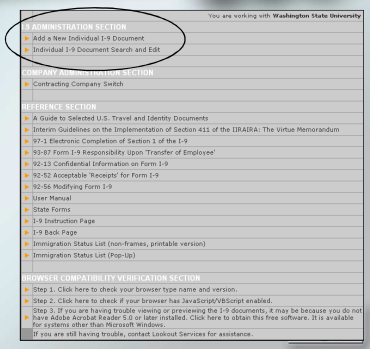
Section 1 of Form I-9 should be completed in full no later than the first day of employment, before services actually begin. This prevents any employee identified through the I-9 process as ineligible to work from incurring an obligation to be paid for services if the services are not lawful.

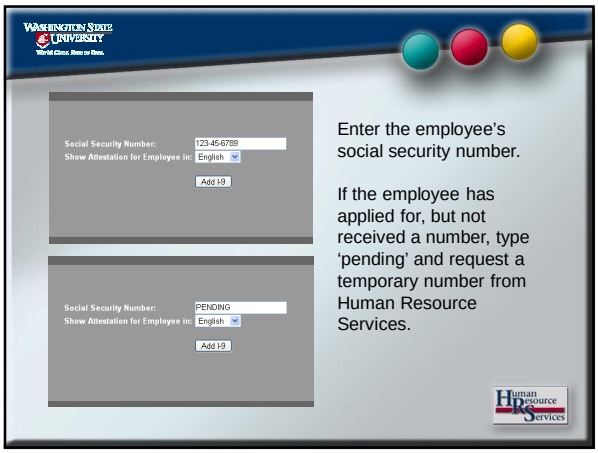
To complete a new I-9 Form select:

I-9 Administration Section

Add a New Individual I-9 Document

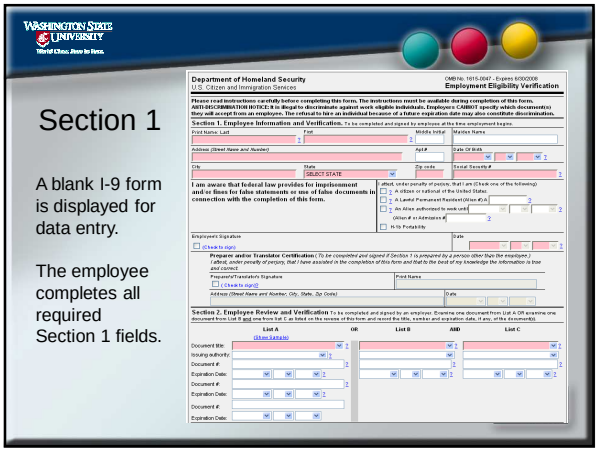
Depending upon your security level, your menu may have different options.





Enter the employee's social security number.

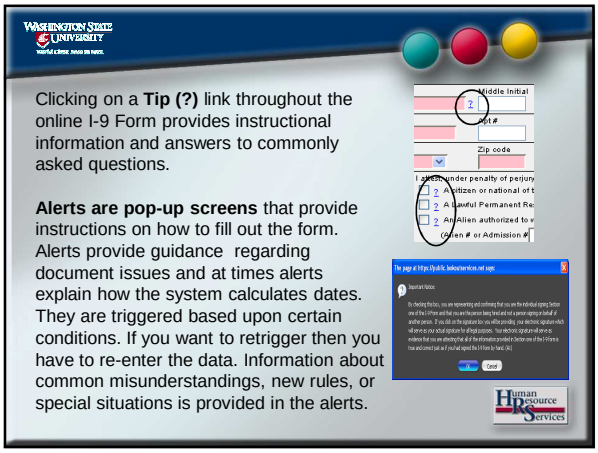
If the employee has applied for, but not received a number, type 'pending' and request a temporary number from Human Resource Services.



Section 1

A blank I-9 form is displayed for data entry.

The employee completes all required Section 1 fields.



Clicking on a **Tip (?)** link throughout the online I-9 Form provides instructional information and answers to commonly asked questions.

Alerts are pop-up screens that provide instructions on how to fill out the form. Alerts provide guidance regarding document issues and at times alerts explain how the system calculates dates. They are triggered based upon certain conditions. If you want to retrigger then you have to re-enter the data. Information about common misunderstandings, new rules, or special situations is provided in the alerts.

Section 1 must be completed by the employee and entered into the Online I-9 System no later than the first day of employment (paid services), after the job has been offered and accepted. If the Form I-9 is completed on the first day of services, it must be completed before paid services actually begin.

Before signing, the employer should review information entered in this section with the new employee to ensure that Section 1 is properly and accurately completed and that the employee understands whether the information provided actually meets the information requirement.

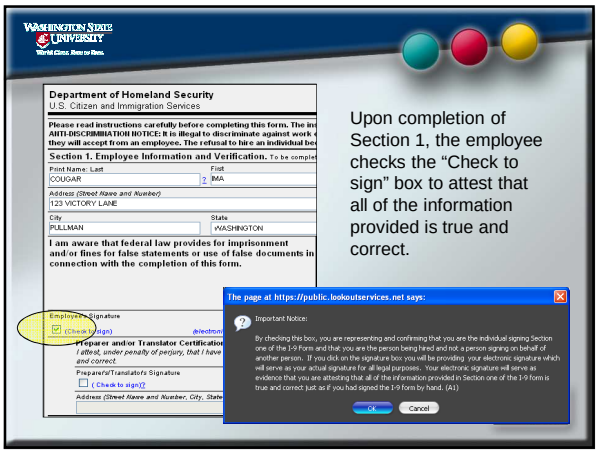
Each Form I-9 data element requires complete information.

Section 1 data elements are as follows:

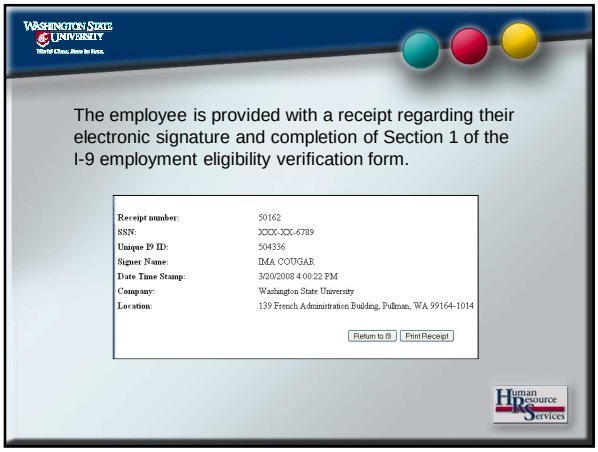
- Employee's name, including last, first, middle initial, as well as maiden name, if any.
- Employee's complete address.
- Employee's date of birth.
- Employee's Social Security Number (SSN)**
- Employee's attestation
- Employee's signature (electronic)

**Three important items regarding SSNs

- A prospective employee without an SSN must obtain one, since this number is required for tax purposes. Any person who is eligible to work in the United States is also eligible for an SSN and a card bearing that number. There should be no cases where an employee authorized to work in the U.S. cannot provide an SSN in Section 1. *Note: employers may not demand that employees who provide SSNs verify their SSNs with a Social Security Card.*
- Individual Taxpayer Identification Numbers (ITINs), which are formatted similarly to SSNs but begin with the digit "9," do not satisfy the requirement for an SSN and are not allowed.
- Proof of an SSN provided for Section 1 need not be supported with documentation. SSN card may be required by the company for payroll processing purposes without raising concerns about discrimination.



Upon completion of Section 1, the employee checks the “Check to sign” box to attest that all of the information provided is true and correct.



The employee is provided with a receipt regarding their electronic signature and completion of Section 1 of the I-9 employment eligibility verification form.

The Employer must never request to see -- or otherwise require review of – any documentation to substantiate the accuracy or legitimacy of information provided by an employee in Section 1. The purpose of Section 1 is for the employee himself or herself to attest to this by means of a personal signature and date.

If an employee does not, cannot, or will not provide all required Section 1 information, including the date and original signature, the employer is on notice that the Section 1 requirement has not been met and should not proceed with Section 2. Such a failure or refusal on the part of an employee is notice to the employer that the employee is not authorized to work.

Completing Section 2

The employee's only role in Section 2 is to provide the minimal documentation of his or her choice that will meet the requirement. An employer representative physically completes Section 2 on behalf of the company.

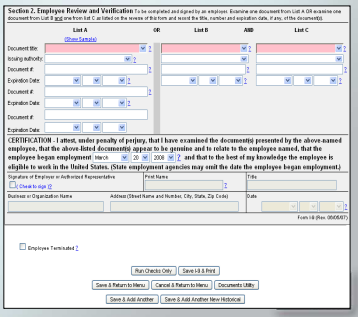
The employer representative may not require and should not even suggest, under any circumstances, what documents the new employee should bring or present for I-9 verification (although if an employee provides too much documentation, the employer may explain to the employee which document or combination of documents he or she may choose to satisfy the requirement). Request for specific documentation constitutes "document abuse," a serious form of discrimination. Even a preparer and/or translator, particularly if a company official or designee serves that role, must avoid requiring or suggesting specific documents to satisfy Section 2.

Section 2

Some data fields in the I-9 Form are automatically populated based on the login of the employer representative.

These include employer name, title, business name, business address, and date of employer representative's signature.

The employer information appears when the employer "checks" the employer signature box in Section 2.



Document Review

The employer representative's job in Section 2 is to examine the document(s) presented and enter the required information.

Document review is an essential aspect of employment eligibility verification. This process requires judgment of the employer Representative. If your Company is enrolled in the Basic Pilot, even the fact that the Basic Pilot has verified a name-number match alone does not necessarily mean that the name and number belong to the person who presented them.

In general, the representative must accept any acceptable document(s) presented by the employee that appear to be genuine and to have been issued to the employee who presented it/them. For example, if a List B and C combination of documents is presented, the name on the List C document should match the name by which an official authority recognizes that person, as reflected on the List B document. In turn, the List B document photo or description should be compared to the appearance of the employee who presented the documents.

Photocopies are not acceptable in lieu of the documents themselves. Photocopies are not acceptable as "original" or "genuine." The only exception is a certified copy of a birth certificate, which must be issued by and bear the official seal of a state, county, or municipal authority. Hospital-issued certificates are not acceptable.

Retaining Photocopies of Section 2 Documents

Photocopies of documentation presented to satisfy Section 2 requirements will not be required for online electronic I-9's.

Departments using paper I-9 forms must follow the policy of making photocopies, attaching the copies to the paper I-9 form and routing Human Resource Services.

Receipt Rule

First time application v. Replacement Documents

Receipts resulting from first time application for a document are never acceptable under this rule. Under certain circumstances, however, receipts for documents may be accepted if the employee has applied for a new version a document previously issued to him or her but has not yet received it. This is possible if the document applied for is a replacement for the earlier issued document.

For this purpose, the term replacement has a specific meaning. A document will constitute a replacement if the document being replaced was lost, stolen, or destroyed before it expired and must be replaced in order to engage in any activity permitted by that document. On the contrary, receipts to extend or renew expired or expiring temporary work authorization documents are never acceptable under the receipt rule. Once the replacement document has been received, it must be presented to the employer within the 90-day period and the Form I-9 should reflect this event.

Identifying an acceptable receipt

- A receipt will not indicate whether it relates to a replacement, extension, renewal, or first time application. For this reason, a question must be asked to solicit information necessary for a determination about the receipt rule. Ask if the receipt relates to an application filed to replace a lost, stolen, or destroyed document or to renew or extend an expired document.
- If the receipt is for a replacement rather than an extension or renewal, enter the document number into the document number field. This inquiry is important because the receipt does not indicate whether the application was for an original or a replacement card.
- If the receipt is for first time application for a document, or extension/renewal of an expired or expiring document, ask the employee for other acceptable List A or C documentation. If other documentation cannot be provided, the employee is not considered eligible to work.

Confusing Documentation

The following documentation and "rules" are often confused. For detailed information, refer to the users manual (page 20) or reference section of the I-9 system.

- Refugee admission stamps
- Temporary I-551 stamps
- Automatic extension of work authorization for TPS

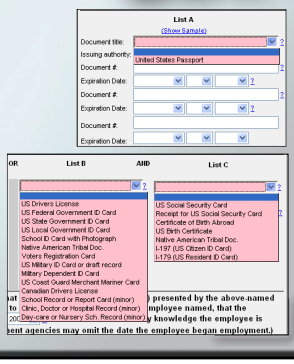
240-Day Rule

The 240-day rule for extension of work authorizations is for certain employment-specific aliens. For more information on the 240-day rule, refer to the users manual (page 21) or reference section of the I-9 system.

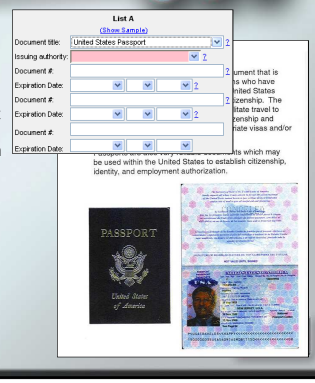
- Alien employees "sponsored" by employer
- Automatic extension of employment authorization
- Re-verification after automatic extension period

Make sure the complete information is recorded in Section 2 for any identity and/or work authorization documentation provided by the employee.

On the online Form I-9, use the drop down boxes under the List A, B, and C headings to find and click on the complete name. The entire identifying number for each document must then be entered. If there is no expiration date or document number, enter "N/A."



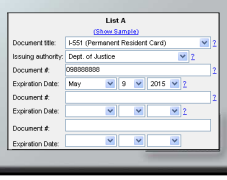
The “Show Sample” Hyperlink, located above the List A document field opens another window that provides an image and description of the document selected in that field. These images can be very useful when reviewing documents for genuineness, since they familiarize users with document appearance and features. This window has 3 buttons ‘Show Previous Page’, ‘Close This Window’, ‘Show Next Page’. Each button has different functionality.

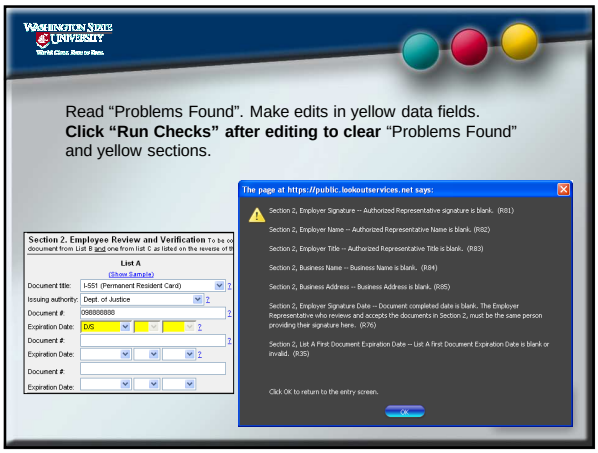


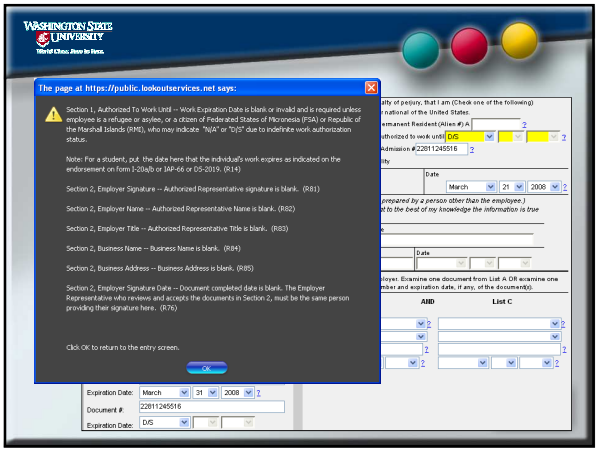
Special Instructions Regarding Certain Section 2 Documents

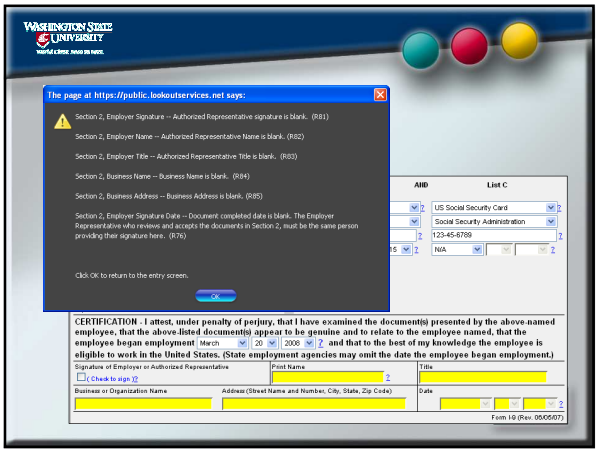
- An expired driver’s license can be accepted as a List B document, as long as it appears to have been issued to the employee who presented it and the photo or descriptive information on the document can be used to identify the cardholder.
- Metal Social Security Cards are not acceptable. The Social Security Administration never issued such cards.
- Laminated Social Security Cards should not be accepted if the lamination obscures or obliterates the information on the card.
- Social Security Cards that state “not valid for employment” may not be accepted for Section 2 purposes. The restriction “Valid only with INS Authorization” means that the alien to whom it was issued had only temporary work authorization. The original INS rules state that this type of restricted SSA card may be accepted for I-9 purposes, but only if presented together with proof of unexpired work authorization. Since the evidence of unexpired work authorization is acceptable by itself, this redundant process is rarely used.

Following data entry of Section 2 information, click **“Run Checks” at the bottom** of the I-9 Form to highlight errors in yellow.




Washington State University
Read “Problems Found”. Make edits in yellow data fields.
Click “Run Checks” after editing to clear “Problems Found” and yellow sections.
The page at https://public.lookoutservices.net says:
Section 2, Employer Signature -- Authorized Representative signature is blank. (R81)
Section 2, Employer Name -- Authorized Representative Name is blank. (R82)
Section 2, Employer Title -- Authorized Representative Title is blank. (R83)
Section 2, Business Name -- Business Name is blank. (R84)
Section 2, Business Address -- Business Address is blank. (R85)
Section 2, Employer Signature Date -- Document completed date is blank. The Employer Representative who reviews and accepts the documents in Section 2, must be the same person providing their signature here. (R76)
Section 2, List A First Document Expiration Date -- List A first Document Expiration Date is blank or invalid. (R35)
Click OK to return to the entry screen.
OK
Section 2. Employee Review and Verification
List A
(Show Samples)
Document title: I-551 (Permanent Resident Card)
Issuing authority: Dept. of Justice
Document #: 098888888
Expiration Date: D/S


Washington State University
The page at https://public.lookoutservices.net says:
Section 1, Authorized To Work Until -- Work Expiration Date is blank or invalid and is required unless employee is a refugee or asylee, or a citizen of Federated States of Micronesia (FSA) or Republic of the Marshall Islands (RMI), who may indicate "N/A" or "D/S" due to indefinite work authorization status.
Note: For a student, put the date here that the individual's work expires as indicated on the endorsement on form I-20a/b or IAP-66 or DS-2019. (R14)
Section 2, Employer Signature -- Authorized Representative signature is blank. (R81)
Section 2, Employer Name -- Authorized Representative Name is blank. (R82)
Section 2, Employer Title -- Authorized Representative Title is blank. (R83)
Section 2, Business Name -- Business Name is blank. (R84)
Section 2, Business Address -- Business Address is blank. (R85)
Section 2, Employer Signature Date -- Document completed date is blank. The Employer Representative who reviews and accepts the documents in Section 2, must be the same person providing their signature here. (R76)
Click OK to return to the entry screen.
OK
Expiration Date: March 31 2008
Document #: 22811245516
Expiration Date: D/S
AND
List C


Washington State University
The page at https://public.lookoutservices.net says:
Section 2, Employer Signature -- Authorized Representative signature is blank. (R81)
Section 2, Employer Name -- Authorized Representative Name is blank. (R82)
Section 2, Employer Title -- Authorized Representative Title is blank. (R83)
Section 2, Business Name -- Business Name is blank. (R84)
Section 2, Business Address -- Business Address is blank. (R85)
Section 2, Employer Signature Date -- Document completed date is blank. The Employer Representative who reviews and accepts the documents in Section 2, must be the same person providing their signature here. (R76)
Click OK to return to the entry screen.
OK
AND
List C
US Social Security Card
Social Security Administration
123-45-6789
N/A
CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment March 20 2008 and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)
Signature of Employer or Authorized Representative
Print Name
Title
Business or Organization Name
Address (Street Name and Number, City, State, Zip Code)
Date
Form I-9 (Rev. 05/05/07)

Click on the **"Run Checks Only"** button. When all yellow data fields have been cleared, Click on **"Save & Return to Menu" or the Save & Add Another" button at the bottom of the** I-9 Form.

- The following options automatically save the I-9 Form:

* "**Save I-9 & Print"**
* **"Save & Return to Menu"**
* **"Save & Add Another New Associate"**
* **"Save & Add Another New Historical".**

- The "***Cancel & Return" option does not save the I-9 Form.***

ACTION FUNCTIONS

Several editing options are available once an existing I-9 Form has been selected from the Main Menu "Individual I-9 Document Search and Edit"

- The **"Edit"** screen is similar to the "I-9 Data Entry" screen. The I-9 Form can also be selected in edit mode by clicking the Social Security Number link in the SSN column and brings up the FullEntry.asp screen.

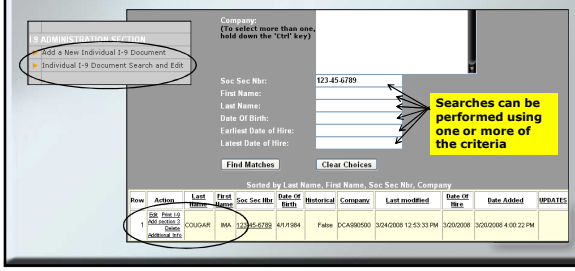
- The **"Print I-9"** presents the PDF version of the I-9 if the form has no correctable errors. If the I-9 has been updated, the user will be asked to select which form should be printed. The three buttons let you Print I-9, Return to I-9 Edit screen or Return to Main Menu.

•Use the **"Delete"** option to delete an existing I-9 or delete an update to an existing I-9. A delete confirmation delete.asp screen will be presented. Either click Yes to delete or No to cancel delete and go back to the I-9 listing.

•The **"Additional Info"** option is a shortcut to display errors in the selected I-9; it brings up the Additional info.asp screen.

To modify an existing online I-9 form (add section 2 info):

1. Select "Individual I-9 Document Search and Edit" from the Main Menu.
2. Search for the desired I-9.
3. Select "Edit" from the Action column.
4. Make the appropriate edits to the I-9 form.



Completing Section 3

Updating and Re-verification

Updating technically refers to updates of information, whereas re-verification refers to proof of extended work authorization. New work authorization of an employee whose Section 1 information or Section 2 or 3 documentation indicates expiring temporary work authorization that must be re-verified & must be recorded in Section 3 before the applicable expiration date. If both Sections indicate different expiration dates that require re-verification, Section 3 must be completed before the earlier of the two dates. ***Most Lookout Services customers require new employee attestations (completion of Section 1) for each re-verification.***

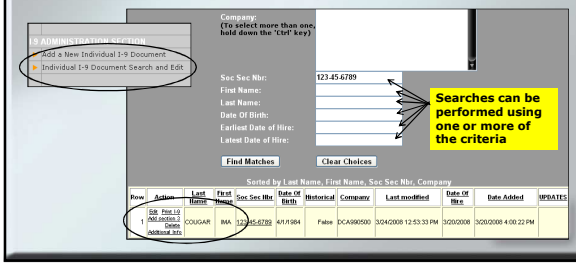
Once entered into the Online I-9 System, the new document's expiration date will be automatically tracked, if tracking and re-verification are necessary. 180, 90, 60 and 30 days prior to Section 1, 2 or 3 expiration dates that require re-verification, the Lookout software generates an e-mail notice of the need to re-verify and provides the means to print a reminder notice for the employee.

Companies have the option to receive additional email notifications on a daily basis counting down from 29 days prior to expiration.

If re-verification cannot be accomplished and new information cannot be recorded in Section 3, the employee must be terminated as of the Section 1 and/or Section 2 expiration date.

To Add Section 3 information to an individual I-9 (re-verification or updating):

1. Select “Individual I-9 Document Search and Edit” from the Main Menu.
2. Search for the desired I-9.
3. Select “Add Section 3” in the Action column (section 2 grayed out).



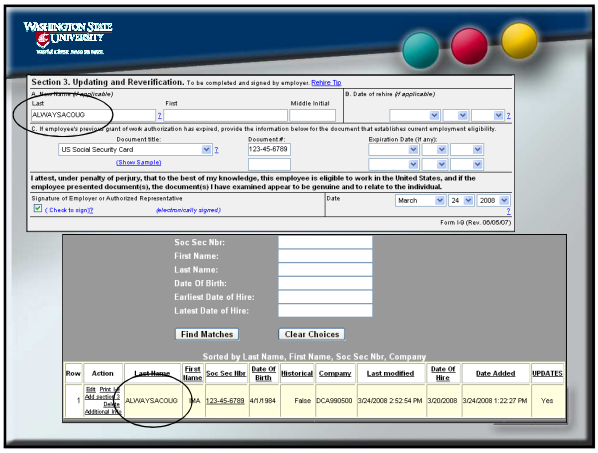
Re-verification of expired documents

- Select the Document to be re-verified in Section 3 from Document Title Combo box.
- Type in the information on the selected document and the new expiration dates.
- After carefully re-verifying the document you (Employer/Authorized Representative) must sign to complete the re-verification.

(If Section 1 & 2 differ in expiration dates then Section 3 must be completed before the expiration of either of the dates in either two sections.)

Re-verification of changed name

Section 3 is used for re-verification of name change; however it is better to complete the Section 3 re-verification for name change after a new SSN reflecting the Employee’s name change can be verified and the payroll records have been updated to reflect the name change.)



- If Section 3 was completed before, click on **Next Update** below the I-9 Form for another update.
- To view other I-9 Forms for the same employee, click on **Next Update and Previous Update.**
- The software stores I-9 Forms by original entry date.
- Edits are not allowed if **"Update" has been selected.**
- Each time re-verification is necessary, a new Section 1 and 3 **must be completed, saved, and signed.** The employee signs the new Section 1 and the employer representative signs Section 3.
- Ensure that all changes are saved prior to existing the system.

Information

Retention

Federal law requires that I-9 Forms be retained for all employees for a minimum of three years (i.e. either one year after termination or for three years from date of hire, whichever results in the longer retention period). The Lookout software will automatically calculate the retention period after termination and notify the employer of I-9 Forms that may be purged from the files.

Termination Data

Termination (separation) dates are used to calculate the date on which an I-9 Form should be destroyed.

Departments will not be responsible for this activity. Human Resource Services will terminate employees in the system.

Reports

The Reporting Section, which can be accessed from the Online I-9 System "Main Menu," provides summary information about all the I-9 Forms that are available for you to view.

Refer to the user manual for more information about online reports.

- Additional information needed report
- Data entry report
- Statement of I-9 completion report
- Expiring employment documents report
- I-9 retention report
- 3 Day Section 2 unfilled report
- Alien report

Reference Section

The Reference Section is accessed from the "Main Menu."

Refer to the user manual for more information about the online references.

- A guide to selected US travel and identity documents
- Interim guidelines on the implementation of Section 411…
- Electronic completion of Section 1 of the I-9
- Form I-9 responsibility upon 'transfer of employee'
- Confidential information on Form I-9
- Acceptable 'receipts' for Form I-9
- Modifying Form I-9
- User Manual
- State Forms
- I-9 Instruction page
- I-9 Back page
- Immigration status list

What's Next…….

Start using the online electronic I-9 system.

- Obtain your user id and temporary password from Human Resource Services
- Change your password upon initial entry to the system
- Upon successful log in, proceed to the main menu
- Select 'add a new individual I-9 document'
- Employee completes and electronically signs Section 1
- Employee presents documentation
- Employer completes and electronically signs Section 2
- Save and return to main menu or save and add another I-9