

## Form I-9 and Employment Eligibility Verification Policy

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### § 1. Policy

The federal Immigration Reform and Control Act (IRCA) amended the Immigration and Nationality Act by making it unlawful to hire, recruit or refer for a fee any individual who is not authorized to accept employment in the United States. This law seeks to preserve jobs for those who are legally entitled to them, and states that the employer must hire only United States citizens or noncitizens (aliens) who are authorized to work in the United States. Additionally, under the State Human Resources Act, all North Carolina State agencies, departments, and institutions <sup>1</sup> shall verify, in accordance with the E-Verify Program, each individual's legal status or authorization to work in the United States, after hiring the individual to work in the United States.<sup>2</sup>

**Advisory Note:** For the processes described in this policy, employers should ensure their procedures limit the possibility that sensitive employee information is transmitted to an unintended recipient or stored in an incorrect employee file. For that reason, agencies should institute procedures to require sequential, rather than concurrent, processing of these documents. This means that only one Form I-9 is verified at a time. All documents related to the verification process must be closed or securely stored away before starting any new Form I-9 or E-Verify processes.

<sup>1</sup> This policy applies only to state agencies in the Workday system and Administrative Office of the Courts. It does not apply to universities or agencies not utilizing the Workday system. Employers not covered by this policy are still required to utilize E-Verify.

<sup>2</sup> N.C.G.S. § 126-7.1(i). The “Basic Pilot Program” described in this statute is now the E-Verify program.

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### § 2. Work Authorization

#### § 2.1. Form I-9, Employment Eligibility Verification

To ensure compliance with its provisions, IRCA mandates that employers certify the employment eligibility of all new employees (including United States citizens) hired on or after November 7, 1986, by requiring completion of the employment eligibility verification form, Form I-9, within three days of employment.

Verification of employment eligibility is not required for persons hired on or before November 6, 1986, who have been continuously employed by the same North Carolina agency since that date. If a current State employee accepts a position in a different North Carolina state agency that uses Workday, this is not considered a new hire and their employment eligibility should not be confirmed by the completion of a new Form I-9 or new E-Verify case. For employees transferring between agencies that were hired by the sending agency after the implementation of the Workday system, the employee's record will move to the receiving agency when the transfer is effective in Workday.

**Note:** If an employee is transferring from a University or other state entity that does not utilize the Workday system for the I-9 process, they should be treated as a new hire and a new Form I-9 and E-Verify case should be completed.

For employees transferring between agencies using Workday that were hired by the sending agency prior to the implementation of the Workday system, agencies must obtain the existing Form I-9 and E-Verify information from the employee's prior agency.:

- The receiving agency must obtain the all documents, including the Form I-9, copies of the eligibility documents, and the E-Verify confirmation, from the sending agency.
- The sending agency should provide this information to the receiving agency no later than the employee's first day of work with the receiving agency.
- The sending agency must submit the documents to the receiving agency using the Workday "Worker Documents" feature and using the I-9 Documents Category when uploading the documents.
- The receiving agency must also upload a memo using the "Worker Documents" feature and using the I-9 Documents Category. The memo should state the name of the employee and the date they transferred to the

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receiving agency. For example, “On November 2, 2025, John Doe transferred to Department of Administration from the Administrative Office of the Courts.”

- The paper copy of the I-9 documents, if any, must also be transferred to the receiving agency with the transferring employee. The employee’s I-9 documentation should be maintained in the same manner the agency maintains all paper I-9 documentation that is not in the Workday system.

This procedure must be consistently followed for every employee for whom verification of employment eligibility is required.

### § 2.2. Document Examination

With Workday, the default method of verifying an employee’s Form I-9 documentation is remotely examining the documents that an employee supplies, along with the Form I-9, to verify the identity and authorization of an employee to work in the United States.

Agencies utilizing the Workday system must offer remote verification to new employees. However, employees are not obligated to participate in remote verification and may choose to present their documents for physical examination. Employees performing I-9 verification functions in Workday should follow the Workday I-9 and E-Verify Reference Guide.

The employee must complete Section 1 of Form I-9 no later than the first day of work for pay in Workday. For remote examination, the employee must upload to Workday front and back copies of documents to be examined remotely prior to the live video interaction. An employer representative must examine copies (front and back, if the document is two-sided) of Form I-9 documents or an acceptable receipt to ensure that the documentation presented reasonably appears to be genuine and relates to the employee. If the employee chooses not to participate in remote verification by uploading documents into Workday, the employee must present the required documentation on the first day of work for pay. The employer representative will upload the documents into Workday.

For remote examination, the employer representative must conduct a live video interaction with the individual presenting the document(s) to ensure that the documentation reasonably appears to be genuine and relates to the individual. The employee must present

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the same document(s) during the live video interaction that were uploaded to Workday prior to the video interaction.

The employer representative must complete Section 2 of the Form I-9. This step must occur within three business days of the first day of work for pay.<sup>3</sup>

The agency must retain a clear and legible copy of the documentation (front and back if the documentation is two-sided) for as long as the employee works for the agency, plus the specified period after their employment has ended. Refer to Section 6.2 of this policy for retention requirements.

You can find additional information about remote examination of documents at <https://www.uscis.gov/i-9-central/remote-examination-of-documents>.

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### § 3. E-Verify Program-Employment Authorization Confirmation

In addition to the I-9 process, electronic verification using the internet-based E-Verify Program is required for every newly hired employee who began work in an agency/university on or after January 1, 2007, except in the case of Local Education Agencies (LEAs). Verification by the E-Verify Program is required for all LEA employees who were newly hired on or after March 1, 2007. This program is only to be used to determine the employment eligibility of newly hired employees. Attempting to verify the employment eligibility status of a person who was employed by the State before January 1, 2007 is strictly prohibited. Verification of an employee's eligibility to work in the United States through the E-Verify system should be completed after receipt and examination of the Form I-9 and associated documents, but within three business days of the employee's first day of work for pay.

After a case is submitted in E-Verify, the agency representative will receive an immediate result of either "Employment Authorized", "Tentative Non-Confirmation", or "Verification in Process". Employers may not terminate, suspend, delay training, withhold or lower pay, or take any other adverse action against an employee because of a "Verification in Process" or "Tentative Non-Confirmation" result. Please refer to the E-Verify website ([www.e-verify.gov](http://www.e-verify.gov)) or the E-Verify User Manual (available at [www.e-verify.gov](http://www.e-verify.gov))

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<sup>3</sup> This means if your employee began work for pay on Monday, you must complete Section 2 by Thursday of that week.

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[verify.gov/e-verify-user-manual](https://www.dhs.gov/e-verify-user-manual)) for detailed information on steps the employer must take when a “Verification in Process” or “Tentative Non-Confirmation” result is received.

All state agencies utilizing the Workday system shall operate under a single Department of Homeland Security Memorandum of Understanding (MOU). Agency staff shall not directly access E-Verify through the E-Verify website. Agency staff shall create new E-Verify cases through the Workday system. If a situation arises that cannot be addressed through the Workday system, the agency’s I-9 representative must contact the OSHR E-Verify Program Administrator. Agency staff shall not use prior agency specific E-Verify accounts for Form I-9s which have Section 1 completed on or after the Workday system goes live on October 8, 2025. Agency staff shall use the Workday system and the new MOU for all employees who complete Section 1 of the Form I-9 on or after that date.

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**§ 4. Timeframe to Verify Eligibility**

An agency may not request documentation that a person is eligible to work in the United States until an offer of employment is made and accepted by the candidate. For that reason, an employing agency must secure proper administrative approvals and must complete all pre-employment screening before an offer of employment is made. In certain cases, the offer of employment may be conditional, but the conditions of the pending offer must be clearly stated to the candidate, and must be otherwise legally valid. Only after that offer of employment is made may the agency request documents for the completion of the Form I-9 and the verification.

For a United States citizen or permanent resident, if documentation is unavailable at the time of initial employment, and the employee has applied for that documentation, a receipt for that application is required, within the first three days of employment, for completion of the Form I-9. The employee must produce the original document within ninety days of hire. The E-Verify verification may be delayed until the employee submits the original documents.

Failure to complete the Form I-9 or to provide documentation within three business days will result in the employee’s separation from State employment.

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### § 5. Continuing Employment (Employees Not Considered “Newly Hired”)

Employers must complete a new Form I-9 when a “hire”<sup>4</sup> takes place. A “hire” has not taken place if the individual is continuing in their employment and has a reasonable expectation of employment at all times.

A “hire” **does not include**:

- An employee transferring directly from one state agency using Workday to another state agency using Workday;
- an employee returning from a paid or unpaid leave approved by the employer;
- an employee who has been promoted, demoted, reassigned, or received a horizontal transfer, but has not changed agencies/universities;
- an employee returning from a reduction-in-force if returning to the same agency/university;
- an employee returning after a wrongful discharge; or
- an employee engaged in seasonal employment that has a reasonable expectation to return to work in the same capacity.

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### § 6. Storage and Retention of Documentation

#### § 6.1. Storage of Documents

Employers may use a paper system, an electronic system, or a combination of paper and electronic systems to store Form I-9 and associated documents. Paper copies of the documents presented by employees may be stored with the employee’s Form I-9 or with the employees’ records. However, USCIS recommends that employers keep Form I-9 separate from personnel records to facilitate an inspection request.

Both physical and electronic I-9 verification folders contain sensitive personal information. This information must be safeguarded. Paper documents should be, at minimum:

- stored in locked filing cabinets, and

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<sup>4</sup> Additional information regarding a “hire,” per USCIS, versus continuing employment may be found at <https://www.uscis.gov/i-9-central/complete-correct-form-i-9/continuing-employment>.

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- have access limited to employees who complete Form I-9s or E-Verify cases, and other employees who are authorized to have access to employee personnel records.

An electronic storage system must:

- Include controls to ensure the protection, integrity, accuracy and reliability of the electronic generation storage system.
- Include controls to detect and prevent the unauthorized or accidental creation of, addition to, alteration of, deletion of or deterioration of an electronically completed stored Form I-9, including the electronic signature, if used.
- Include controls to ensure an audit trail so that any alteration or change to the form since its creation is electronically stored and can be accessed by an appropriate government agency inspecting the forms.
- Include an inspection and quality assurance program that regularly evaluates the electronic generation or storage system, and includes periodic checks of electronically stored Form I-9, including the electronic signature, if used.
- Include a detailed index of all data so that any record can be accessed immediately.
- Produce a high degree of legibility and readability when displayed on a video display terminal or reproduced on paper.<sup>5</sup>

HR staff should confer with your CIO, CISO or delegated authority on the best way to ensure any electronic storage of Form I-9s and associated documents meets these requirements. Any Form I-9 and E-Verify case processed through Workday should be stored only in Workday.

**§ 6.2. Retention of Documents**

Agencies are required to retain Form I-9s for the duration of a person's employment. If a person separates from an agency or university, the form must be kept on file for at least three years after the person's start date, or for one year after the separation date, whichever is later. Confirmations that new employees have been

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<sup>5</sup> [Retention and Storage | USCIS](https://www.uscis.gov/i-9-central/complete-correct-form-i-9/retention-and-storage), [www.uscis.gov/i-9-central/complete-correct-form-i-9/retention-and-storage](https://www.uscis.gov/i-9-central/complete-correct-form-i-9/retention-and-storage)

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verified as eligible to be employed through E-Verify should be attached to Form I-9s and maintained for the same length of time as the Form I-9.

Form I-9 and associated documents for employees transferring between Workday agencies should transfer with the employee, rather than being retained by the sending agency. Form I-9 and associated documents for employees separating to work at a non-Workday entity must be retained by the agency for the required amount of time.

**Advisory Note:** If utilizing a paper-based storage system, documents used to establish work authorization should be photocopied and stapled to the original Form I-9. If utilizing an electronic storage system, these documents should be scanned and added to the employee's Employment Verification folder.

Proof of legal employment eligibility in the United States must be maintained throughout an employee's tenure with the employer. Therefore, State agencies, departments, and institutions must remain cognizant of the fact that certain employees may only be legally eligible to work in the United States for limited periods of time. If an employee's legal employment eligibility is temporary, it is the employer's responsibility to verify that the employee renews their employment eligibility or separate that person from employment upon expiration of the temporary eligibility period.

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### § 7. Re-verification

Re-verification of an employee's eligibility to work in the United States should only be conducted on those employees who attested in Section 1 of the Form I-9 that they are noncitizens authorized to work in the United States for a limited period of time. Reverifications are not required, and are not permitted to be completed, on United States Citizen and Lawful Permanent Resident employees. The E-Verify Program is not to be used for reverification purposes. Thus, reverification of employment eligibility only involves the physical examination of employment eligibility documents, not the electronic verification of those documents. If the employee's documents are reverified electronically, the agency will be in violation of the Memorandum of Understanding, which details the agency's E-Verify Program obligations, as required by the United States DHS.



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### § 8. Sources of Authority

This policy is issued pursuant to any and all of the following:

- [N.C.G.S. § 126-4\(3\)](#), which authorizes the State Human Resources Commission to establish policies governing “reasonable qualifications as to ... job-related requirements pertinent to the work to be performed.”
- [N.C.G.S. § 126-4\(4\)](#), which authorizes the State Human Resources Commission to establish policies governing “[r]ecruitment programs designed to ... determine the relative fitness of applicants for the respective positions.”

This policy is compliant with:

- [8 U.S.C. § 1324a](#), Immigration Reform and Control Act
- [N.C.G.S. § 126-7.1\(i\)](#) which states that each State agency, department, institution, university, community college, and local education agency shall verify, in accordance with the Basic Pilot Program administered by the United States Department of Homeland Security pursuant to 8 U.S.C. § 1101, et seq, each individual's legal status or authorization to work in the United States after hiring the individual as an employee to work in the United States.
- [25 NCAC 01H .0636](#), which establishes that all State agencies “shall, no later than the third working day after the hire, verify the employment eligibility of all employees hired after November 6, 1986,” using the E-Verify program.

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### § 9. History of This Policy

Date	Version
September 1, 2007	New Policy. New policy on employment of foreign nationals in the United States.
December 3, 2020	Policy reviewed. Advisory note is now included in the body of the policy. Policy is correct and operating as written.
October 19, 2023	Changed the name of the policy from “Immigration/Employment of Foreign Nationals Policy” to “Form I-9 and Employment Eligibility Verification Policy.” Added a footnote to explain that the “Basic Pilot Program” is now called “E-Verify.” Changed the term “alien” to “noncitizen” to match language on revised Form I-9.

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	<p>Revised the first advisory note to explain that, given the sensitive nature of the information contained on Form I-9s, documents should be processed sequentially, rather than concurrently, meaning only one Form I-9 and associated documents should be processed at one time.</p> <p>Detailed the requirements for a remote verification of Form I-9 documentation procedure, including the requirement for secure transmission of personally identifiable information.</p> <p>Added language to Section 3, E-Verify, to explain employers may not take adverse employment actions when certain results are received from E-Verify. Included references and links to the E-Verify website and manual.</p> <p>Edited Section 5, Continuing Employment, to utilize language more consistent with USCIS guidance.</p> <p>Added information on the appropriate storage of paper and electronic Form I-9s and associated documentation to Section 6.</p> <p>Added "Sources of Authority" section.</p>
December 12, 2024	<p>Added to Section 6.1, Storage of Documents: These documents are maintained at the agency or university level only.</p>
September 17, 2025 (effective October 8, 2025)	<p>Updated this policy in two main ways. First, the revised policy reflects the I-9 and E-Verify process that will be built into the State's new Workday IT system, effective October 8, 2025. Second, the revised policy reflects the fact that executive branch agencies will be operating, for employees hired in the Workday system on or after October 8, 2025, under a single Memorandum of Understanding (MOU) with the federal government for E-Verify, instead of multiple agency MOUs.</p> <p>See below for a detailed log of changes made to the policy.</p> <p>In Section 1, entitled "Policy":</p>

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	<ul style="list-style-type: none"><li>• Deleted reference to community colleges, and local education agencies because the policy does not apply to these entities</li><li>• Added a footnote to clarify the policy only applies to agencies using Workday and Administrative Office of the Courts and it does not apply to the Universities or agencies not using Workday. Deleted reference to universities throughout as this policy will not apply to them.</li></ul> <p>In Section 2.1, entitled “Form I-9, Employment Eligibility Verification”:</p> <ul style="list-style-type: none"><li>• Clarified it is no longer a new hire when an employee moves between agencies utilizing Workday.</li><li>• Added that employees hired by the sending agency after the implementation of Workday, the employee’s record will transfer when the transfer is effective in Workday.</li><li>• Added a note that states if an employee is transferring from a University or other state entity that does not utilize the Workday system for the I-9 process, they should be treated as a new hire and a new Form I-9 and E-Verify case should be completed.</li><li>• Added information about transferring existing I-9 documentation between agencies using Workday for employees that were hired by the sending agency prior to the implementation of Workday.</li><li>• Deleted the statement on ensuring use of the correct version of the Form I-9.</li></ul> <p>In Section 2.2, formerly entitled “Physical Document Examination”:</p> <ul style="list-style-type: none"><li>• Changed the title to “Document Examination.”</li><li>• Changed the default method of document examination to remote examination.</li><li>• Merged former Section 2.3 Remote Verification with Section 2.2.</li></ul>
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	<ul style="list-style-type: none"><li>• Added that agencies utilizing Workday must offer remote verification to new employees.</li><li>• Added reference to the Workday I-9 and E-Verify Reference Guide.</li><li>• Clarified the process for remote document examination with use of Workday</li><li>• Added that if the employee chooses not to participate in remote verification by uploading documents into Workday, the employee must present the required documentation on the first day of work for pay. The employer representative will upload the documents into Workday.</li></ul> <p>In Section 3, entitled “E-Verify Program-Employment Authorization Confirmation”:</p> <ul style="list-style-type: none"><li>• Added a statement about the Single MOU that all Workday agencies will use.</li><li>• Added “Agency staff shall not directly access E-Verify through the E-Verify website. Agency staff shall create new E-Verify cases through the Workday system. If a situation arises that cannot be addressed through the Workday system, the agency’s I-9 representative must contact the OSHR E-Verify Program Administrator. Agency staff shall not use prior agency specific E-Verify accounts for Form I-9s which have Section 1 completed on or after the Workday system goes live on October 8, 2025. Agency staff shall use the Workday system and the new MOU for all employees who complete Section 1 of the Form I-9 on or after that date.”</li></ul> <p>In Section 4, formerly entitled “When to Verify Eligibility”:</p> <ul style="list-style-type: none"><li>• Changed the title to “Timeframe to Verify Eligibility.”</li></ul> <p>In Section 5, entitled “Continuing Employment”:</p>
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	<ul style="list-style-type: none"><li>Added an employee transferring directly from one state agency using Workday to another state agency using Workday</li></ul> <p>In Section 6.1, entitled “Storage of Documents”:</p> <ul style="list-style-type: none"><li>Deleted “These documents are maintained at the agency or university level only.”</li><li>Added “Any Form I-9 and E-Verify case processed through Workday should be stored only in Workday.”</li></ul> <p>In Section 6.2, entitled “Retention of Documents”:</p> <ul style="list-style-type: none"><li>Added “Form I-9 and associated documents for employees transferring between Workday agencies should transfer with the employee, rather than being retained by the sending agency. Form I-9 and associated documents for employees separating to work at a non-Workday entity must be retained by the agency for the required amount of time.”</li></ul>
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