

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

HRM 4415.1
November 13, 2020

GSA ORDER

SUBJECT: Remote Form I-9 Verification Procedures

1. Purpose. This Order establishes the General Services Administration (GSA) policy governing U.S. Department of Homeland Security (DHS) Form I-9 (also referred as I-9) remote inspection flexibilities. This guidance will establish remote inspection requirements to support the agency's virtual work environment.

2. Background.

a. The Immigration Reform and Control Act (IRCA) Public Law 99-603, 100 Statute 3359 (enacted November 6, 1986) prohibits employers from knowingly hiring unauthorized illegal immigrants in the U.S. without completing the employment eligibility verification process. This act led to the creation of [I-9, Employment Eligibility Verification](#) form. All U.S. employers must use the I-9 for all employees hired on or after November 6, 1986. The new employee must complete Section 1 and show both an approved form of identification and employment authorization. The employer must complete Section 2 and examine the documents in the presence of the employee, no later than three business days after the employee enters on duty.

b. DHS issued [temporary guidance](#) on March 20, 2020, that allows agencies to onboard new employees without physically reviewing I-9 required documents during the COVID-19 pandemic. As noted in the temporary guidance, "employers who avail themselves of this option must provide written documentation of their remote onboarding and telework policy for each employee". GSA does not expect that DHS will allow agencies to continue to onboard new employees without physically reviewing documents indefinitely nor waive the physical review requirement permanently. Therefore, this Order will serve two purposes: 1) as official guidance during an emergency determined by the head of the agency and 2) guidance to support the agency's virtual onboarding work environment.

3. Scope and Applicability. This Order applies to GSA employees with the exception of the Office of Inspector General (OIG). The OIG has independent personnel authority. See Section 6 of the Inspector General Act of 1978, (5 U.S.C. App. 3), as amended and GSA Order ADM 5450.39D, GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1. Similarly, GSA specifically recognizes that the Inspector

General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.

4. Implementation Action. Implementation under this issuance must be carried out in accordance with applicable laws, regulations and bargaining agreements. DHS temporary and/or permanent guidance supersedes any conflicting portion of this Order.

5. Signature.

/S/
TRACI DIMARTINI
Chief Human Capital Officer
Office of Human Resources Management

REMOTE FORM I-9 VERIFICATION PROCEDURES**TABLE OF CONTENTS**

<u>Section</u>	<u>Page</u>
1. Introduction	4
2. References	4
3. Responsibilities	4
4. Physical Inspection Requirements	5
5. Special Emergency Provision	5
6. Penalties	6
Appendix A. U.S. General Services Administration Authorized Representative Procedures	7

REMOTE FORM I-9 VERIFICATION PROCEDURES

1. Introduction.

a. All U.S. employers must use Form I-9 for all employees hired on or after November 6, 1986. The new employee must complete Section 1 and show both an approved form of identification and employment authorization. The employer must complete Section 2 and examine the documents in the presence of the employee, no later than three business days after the employee enters on duty.

b. GSA operates in a virtual environment during emergency and normal operations. Therefore, this Order will serve as guidance for fulfilling examination of documents required by the I-9.

2. References.

- [8 US Code 1324a](#)
- [8 Code of Federal Regulations 274a.10](#)
- [Handbook for Employers M-274](#)
- [DHS Form I-9 Temporary Flexibility Policy Dated March 20, 2020](#)
- [Office of Personnel Management Memorandum Onboarding Processes For New Employees During the COVID-19 Emergency Dated March 24, 2020](#)
- [DHS Temporary Flexibility Policy Extension Notice Dated May 15, 2020](#)
- [DHS Temporary Flexibility Policy Extension Notice Dated June 16, 2020](#)
- [DHS Form I-9 Temporary Flexibility Examples Notice Dated June 26, 2020](#)
- [DHS Temporary Flexibility Policy Extension Notice Dated July 20, 2020](#)

3. Responsibilities.

a. Agency Representative. A manager/supervisor or Human Resources Service Center (HRSC) may designate a GSA employee to help complete the I-9. This person will be called an agency representative. The agency representative will act on behalf of the agency and is responsible for administering and complying with all rules governing the I-9. The agency representative may complete Section 2 and/or provide form completion requirements and instructions. An agency representative can be any GSA employee who is properly trained.

b. Authorized Representative. The HRSC may ask a new employee to designate an authorized representative to inspect the new employee's acceptable identification and employment authorization documents for authenticity. This person must be vetted by the HRSC for approval and properly trained before serving as the authorized representative. The authorized representative will also act on the agency's behalf and complete the I-9, Section 2. Examples of an authorized representative are the new employee's next-door neighbor, friend, family member, roommate, classmate, etc. In addition, the person must be 18 years old or older. The authorized representative will be

trained by the HRSC and must use the agency procedures in Appendix A (Authorized Representative Procedures) of this Order.

c. HRSC. The HRSC will ensure all parts of the I-9 are properly completed and comply with all rules governing the form. The HRSC is responsible for the administration and management of GSA's I-9 procedures and compliance. The HRSC will determine on a case by case basis whether an agency representative or authorized representative is appropriate.

d. Manager/Supervisor. A Manager/supervisor is expected to comply with rules governing the I-9, to include but not limited to ensuring the new employee completes the I-9 form no later than three business days after the employee enters on duty and ensures the HRSC receives before the due date.

e. New Employee. A new employee is responsible for completing I-9, Section 1 and must show both acceptable identification and employment authorization as listed on the form. The HRSC may ask the new employee to designate an authorized representative to inspect his or her identification and employment authorization documents for authenticity on behalf of the agency. The HRSC must approve the authorized representative before assuming the role.

4. Physical Inspection Requirements. Conducting New Employee Orientation and onboarding activity in a virtual setting:

a. GSA must obtain, inspect and retain copies of I-9 documents within three business days after the enter-on-duty date.

b. HRSCs must maintain a list of employees whose I-9 verification is conducted remotely.

c. Any GSA employee may be designated as the agency representative, to complete the I-9 form, Section 2, if properly trained by HRSC.

d. Refer to [DHS guidance](#) if the employee has improper or expired documents.

e. GSA can use an authorized representative to assist the agency with completing Section 2. As written in DHS' I-9 form instructions (Completing Section 2: Employer or Authorized Representative Review and Verification), an authorized representative can be any person the new employee designates and HRSC approves, to complete and signs the I-9 on behalf of the agency. HRSC must train the authorized representative and use the agency procedures in Appendix A.

5. Special Emergency Provision. DHS allowed GSA to onboard new employees without physically reviewing I-9 documents during the [COVID-19 pandemic](#). If this temporary provision is used, the HRSC must:

a. Physically review the I-9 required document(s): 1) within three business days once normal operation resumes, 2) when the DHS's temporary provision expires, or 3) whichever is first.

The HRSC may use the employee's supervisor, manager, agency representative or authorized representative for this process.

b. Maintain a record of employees who were verified remotely during the COVID-19 emergency. GSA will adopt all [DHS's recommendations for documenting the I-9](#) under this provision. The I-9 must include in Section 2 - Additional Information:

(1) Must include the date of the remote inspection, the date of the physical inspection, and a legible full name/title/signature of the person who physically examined the documents.

(2) For extended documents: Must include the document type, document number, the date of physical inspection, and a legible full name/title/signature of the person who confirmed the extension is valid.

(3) For expired documents: Must include the document type, document number, expiration date, the date when the employee presented unexpired documents, the new document expiration date, and a legible full name/title/signature of the person who physically examined the documents.

6. Penalties. GSA is liable for any violations and sanctions found in the Immigration and Nationality Act, Section 274A, IRCA of 1986, Immigration Act of 1990 and Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Civil fines and/or criminal penalties may be enforced.

Appendix A. U.S. General Services Administration Authorized Representative Procedures

The following procedures will be used to limit or eliminate errors when using an authorized representative to complete [Form I-9 \(Employment Eligibility Verification\)](#) also called I-9. HRSCs will coordinate and guide the new employee and the authorized representative with completing the Form I-9. This can be achieved by coordinating a series of emails, phone and video teleconference calls.

Step 1. Call the new hire to explain the entire process.

- Give the new employee a copy of the I-9 instructions.
- Ask the new employee to select a person who can physically join him or her on a video teleconference call with the HRSC to review and verify the employee's I-9 documents and complete the agency portion of the form..
- Explain to the new employee that this person will act on behalf of the agency and will serve as GSA's authorized representative. Examples of an authorized representative are the new employee's next-door neighbor, friend, family member, roommate, classmate, etc. In addition, the person must be 18 years old or older.
- Request the name, phone number, home address, and email address of the authorized representative. Use this information to contact the authorized representative.

Step 2. Contact the authorized representative.

- Explain the role of an Authorized Representative.
- Give the Authorized Representative a copy of the I-9 instructions.
- Request an acknowledgment of read and receipt of the I-9 instructions.
 - If the contact declines the role, contact the new employee and request another selection.
 - If the contact accepts the role, proceed with scheduling the video teleconference.

Step 3. Coordinate the date and time of the virtual meeting.

- Send a calendar invitation to the new employee.
- Remind the new employee to complete I-9, Section 1 prior to the call.

- During the virtual meeting, the HRSC will guide the Authorized Representative to review documents and complete the form correctly.

Step 4. Provide the new hire with instructions on how and when to submit the completed I-9 and the digital identity and employment verification documents.

Note: These procedures will meet the agency's minimum training requirements.