



# OFFICE OF THE CORPORATION COUNSEL

April 15, 2019

To: Personnel and Finance Committee  
Fr: Carlos Pabellón  
Re: Using E-Verify As Part of the County's Employment Eligibility  
Verification System

Recent IRS regulatory revisions surrounding how local child support agencies must protect Federal Tax Information will result in a countywide change to how Dane County verifies a new employee's eligibility to work in the United States. In sum, the County will need to adopt the use of E-Verify, a web-based system through which employers electronically confirm the employment eligibility of their new employees. The purpose of this memo is to provide the Personnel & Finance Committee with background information regarding this change.

## IRS Changes

Under 26 USC §6103, the IRS is required to establish safeguards to ensure the confidentiality of Federal Tax Information ("FTI"). FTI includes federal tax return information, taxpayer addresses, taxpayer names, and federal tax refund intercept information. The IRS provides FTI to local child support agencies, such as the Dane County Child Support Agency, in order to assist with their responsibility to establish and enforce child support orders.

In 2016, the regulations protecting FTI were revised. Among the revisions is the requirement to establish a personnel security program that mandates the validation of a subject's eligibility to work legally in the United States with E-Verify. Since the Dane County Child Support Agency receives FTI, it must adhere to these new requirements, and begin using E-Verify.

## Current Eligibility Verification

Currently, every employer must verify the identity and employment eligibility of each new hire by using an I-9 form. To comply with this directive, Dane County requires newly hired employees to complete an I-9 form. After completion, Dane County retains the form the later of 3 years after the hire date or 1 year after the termination of employment.

E-Verify would supplement the current eligibility verification system, not replace it.

## What Is E-Verify?

E-Verify is an internet-based system that allows U.S. employers to electronically verify the employment eligibility of its newly hired employees. E-Verify works by electronically comparing the information from an employee's Form I-9 with records available to the Social Security Administration and/or

### Corporation Counsel

Marcia MacKenzie

### Deputy Corporation Counsel

Carlos A. Pabellón

### Assistant Corporation Counsels

David R. Gault  
Dyann L. Hafner  
Mary M. Kasperek  
Signé Mbainai  
Kelly S. Nesvacil  
Susan H. Rauti

### Permanency Planning

#### Legal Director

Eve M. Dorman

### Assistant Corporation Counsels

Shawna L. Guinn  
Andra L. Nollendorfs  
Amanda J. Ramaker  
John C. Talis

### Child Support Agency

#### Legal Director

Vue Yang

### Assistant Corporation Counsels

Clare Altschuler  
Andrea Brendemuehl  
Scott D. Drummond  
Gary Gomez  
Jane A. Jacobs  
Dawn M. Peters  
Michelle R. Wagner

Department of Homeland Security to verify the identity and employment eligibility of each newly hired employee. There is no cost associated with the use of E-Verify.

#### E-Verify Implementation Steps

In order to use E-Verify, an employer must agree to a number of different terms and conditions. One such term is that the employer must use E-Verify for all new employees. In other words, an employer cannot selectively use E-Verify on some employees, but not others. Thus, even though the additional IRS safeguards apply to only the Dane County Child Support Agency, the requirement to use E-Verify will apply countywide.

Employee Relations has been notified of the new IRS requirements, and is working on a roll-out plan to ensure a smooth transition. Prior to implementing E-Verify, Employee Relations will announce the change and provide an explanation as to why this change is necessary. Fortunately, NeoGov, the County's current online recruitment system, can incorporate E-Verify, which should make it easier for the County's payroll clerks to learn how to use it. In addition, training materials will be available to payroll clerks so that they can turn to it if they need additional resources.

It is anticipated that the use of E-Verify will begin in May 2019.