

# E-Verify

A Refresher

# E-Verify ...

- What is it?
- When does it apply?
- How do I comply with the requirements?
- What key information should I keep in mind?

# E-Verify: What is it?

- An online federal system that compares information from an employee's I-9 data (Employment Eligibility Verification) to data from the Department of Homeland Security (DHS) and the Social Security Administration (SSA).
- FAR Clause 52.222-54 EMPLOYMENT ELIGIBILITY VERIFICATION (Aug 2013)

# E-Verify: When does it apply?

- Federal contracts that exceed the Simplified Acquisition Threshold, currently set at \$150,000.
- Subcontracts, including those we receive, that exceed \$3,000.
- Other relevant factors for both situations are that work must be performed in the United States and the period of performance must exceed 120 days.

# E-Verify: How do I comply with the requirements?

- Contact your local HR representative to tell them you have an award that contains E-Verify, when your award is:
  - Federally-funded (Fund range 100 000 through 199 999),  
and
  - Classified as a Contract in GMAS

# Key Information: Timelines

- As an Institute of Higher Education (IHE), Harvard only needs to verify the eligibility of those employees “assigned to the contract, whether existing employees or new hires,” this includes faculty members.
- **NEW HIRES:** Harvard must initiate verification of all new hires within 3 business days after the date of hire.
- **ASSIGNED EMPLOYEES:** Harvard must initiate verification within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever date is later
- **NO ADDITIONAL VERIFICATION:** We are not required to perform additional employment verification using E-Verify if we used E-Verify previously to verify that employee’s eligibility.

# Key Information: Subcontractors

- We must flow down this clause to our subcontractors, including vendors and consultants. The FAR clause, unlike the Uniform Guidance, does not distinguish between subrecipients and vendors; they are all subcontractors.
- EXEMPTIONS MAY APPLY:
  - Subcontract solely for Commercial Off The Shelf items (COTS), including services by the provider of the COTS items that are inherent to the COTS item(s) or are minor modifications.
  - Work performed solely outside of the USA or have a period of performance fewer than 120 days.

# Takeaways

- If your award is a federal contract or subcontract, contact your local HR representative to alert them that E-Verify is required for the project, regardless of the amount.
- Be mindful of when assigning personnel to a contract or hiring a new employee under the contract. You may want to check in with HR.
- If you have questions about the applicability of E-Verify or you think your award was misclassified as a grant or contract, please Contact your Grants and Contracts Specialist at OSP.