



KNOW YOUR RIGHTS:

E-Verify and Document Verification

Facts from the NC Justice Center's WORKERS' RIGHTS PROJECT

► YOUR RIGHTS under E-Verify.

What are my rights when I apply for work?

Some employers use a computer system called E-Verify to check your documents when you apply for work. An employer should only do this after he or she has offered you a job.

If the employer says your documents are not good, and this is wrong, tell the employer you want to appeal. She or he will give you a paper to sign. You have **8 business days** to start to fix the problem by talking to the Social Security office or another office. While you are trying to fix the problem, your employer cannot fire you or take other action against you.

Even if your employer does not use E-Verify, he or she should ask you to fill out an I-9 form and show documents that prove you are allowed to work in the United States. You have 3 days from the day you start work to fill out the I-9 and show your documents. You get to choose which documents to show from the list on the I-9 form.

What if I don't have good documents?

If you have done any work for an employer, even if you don't have good documents, the employer has to pay you for your work.

What can I do if my employer wants to check my documents after I start working?

If a document that you showed when you were hired expires, the employer can ask to see a new one (unless you showed a green card – you only have to show that once, even if it expires). Otherwise, he or she should generally not ask you for new documents. You get to decide what documents to show from the list of documents on the I-9 form.

If your employer doesn't want to accept your valid documents, or is asking you to show your documents after the hiring process has been completed, you may have a legal claim.

Did you know?

Who has to use E-Verify?

- State government and employers who have certain federal contracts
- Municipal and county governments (starting October 1, 2012)
- Employers with 500 or more employees (starting October 1, 2012)
- Employers with 250 or more employees (starting January 1, 2013)
- Employers with 25 or more employees (starting July 1, 2013)

Employers are not required to use E-Verify for employees who work for 90 or fewer days during a 12 consecutive month period.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in North Carolina. However, this fact sheet does not address exemptions and does not go into detail regarding legal rights. In addition, laws and legal procedures are subject to frequent change and differing interpretations, and the North Carolina Justice Center cannot ensure the information in this sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

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What if my employer doesn't ask me for my documents?

If your employer doesn't ask for documents showing you are eligible for work in the United States, he or she may be treating you as an **independent contractor** instead of an employee.

If you are not an independent contractor, this mistake could cause you to **pay more taxes** than you should. Independent contractors are not covered by worker's compensation insurance and are usually not eligible for

unemployment benefits. They are not protected by minimum wage or overtime laws.

Ask your employer to pay you like an employee and to give you a **W-2 instead of a 1099**. If you think you have been misclassified as an independent contractor, the IRS can check into it for you. If you think you are eligible for worker's compensation or unemployment benefits, you can still apply. Tell the agency you were misclassified and you want them to investigate.

TAKE ACTION!

Workers should be paid for all the hours they work. We are working to strengthen North Carolina's laws on wage theft

Your story can help us make the case for stronger worker protections. If you have ever not what you were owed by your employer, please contact us to tell your story.

Contact: ana@ncjustice.org

RESOURCES

For help finding a lawyer, call:	• North Carolina Advocates for Justice	1-(800) 688-1413
	• North Carolina Bar Association Lawyer Referral Service	1-(800) 662-7660
	• Legal Aid of North Carolina.....	1-(866) 219-5262

To file a claim with a government agency or to seek information on the following issues, contact:

DISCRIMINATION	<ul style="list-style-type: none"> ▪ US Equal Employment Opportunity Commission ▪ Office of Special Counsel for Unfair Immigration-Related Employment Practices 	1-800-669-4000 - or - www.eeoc.gov 1-800-255-7688 - or - www.justice.gov/crt/about/osc/
E-VERIFY	<ul style="list-style-type: none"> ▪ Department of Homeland Security / E-Verify 	1-888-897-7781 - or - www.dhs.gov/e-verify
FAMILY AND MEDICAL LEAVE	<ul style="list-style-type: none"> ▪ US Department of Labor 	1-866-487-9243 - or - www.dol.gov/whd
HEALTH & SAFETY	<ul style="list-style-type: none"> ▪ NC Department of Labor 	1-800-NC-LABOR (625-2267) - or - www.nclabor.com/osha/osh.htm
MISCLASSIFICATION	<ul style="list-style-type: none"> ▪ Internal Revenue Service ▪ NC Industrial Commission, Employee Classification Section 	http://www.irs.gov/pub/irs-pdf/fss8.pdf (919) 807-2582 - or - www.ic.nc.gov/EmployeeClassificationSection.html
RETALIATION	<ul style="list-style-type: none"> ▪ NC Department of Labor, Employment Discrimination Bureau 	1-800- 625-2267 - or - www.nclabor.com/edb/edb.htm
UNEMPLOYMENT INSURANCE	<ul style="list-style-type: none"> ▪ NC Department of Commerce, Division of Employment Security 	1-877-841-9617 - or - https://www.ncesc.com/
UNIONS & COLLECTIVE ACTION	<ul style="list-style-type: none"> ▪ National Labor Relations Board 	1-866-667-6572 - or - www.nlrb.gov
WAGE THEFT	<ul style="list-style-type: none"> ▪ NC Department of Labor, Wage and Hour Bureau ▪ US Department of Labor 	1-800-625-2267 - or - www.nclabor.com/wh/wh.htm 1-866-487-9243 - or - http://www.dol.gov/whd/
WORKERS' COMPENSATION	<ul style="list-style-type: none"> ▪ NC Industrial Commission 	1-800- 688-8349 - or - http://www.ic.nc.gov/