



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

You get to choose which documents to show from the list on the I-9 form.

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.

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

Did you know?

Who has to use E-Verify?

- State government and employers who have certain federal contracts
- Employers with 25 or more employees

Employers are not required to use E-Verify for employees whose term of employment is less than 9 months in a calendar year

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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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.

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

The Workers' Rights Project offers factsheets on a range of topics, including:

- Family and Medical Leave
- Health and Safety at Work
- Misclassification
- Unemployment Insurance
- Workers' Compensation
- Immigrant Workers' Rights

You can find all of our factsheets on <https://tinyurl.com/3pdbaksr> or scan the QR code:



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	US Equal Employment Opportunity Commission	1-800-669-4000	www.eeoc.gov
E-VERIFY	Department of Homeland Security/EVerify	1-888-897-7781	https://www.e-verify.gov/
FAMILY & MEDICAL LEAVE	US Department of Labor	1-866-487-9243	www.dol.gov/whd
HEALTH & SAFETY	NC Department of Labor	1-800-NC-LABOR (625-2267)	www.nclabor.com/osh/osh.htm
MISCLASSIFICATION	Internal Revenue Service		http://www.irs.gov/pub/irs-pdf/fss8.pdf
RETALIATION	NC Department of Labor, Employment Discrimination Bureau	1-800- 625-2267	www.nclabor.com/edb/edb.htm
UNEMPLOYMENT INSURANCE	NC Department of Commerce, Division of Employment Security	1-877-841-9617	https://www.ncesc.com/
UNIONS & COLLECTIVE ACTION	National labor Relations Board	1-866-667-6572	www.nlr.gov
WAGE THEFT	NC Department of labor, Wage and Hour Bureau US Department of Labor	1-800-625-2267 1-866-487-9243	www.nclabor.com/wh/wh.htm http://www.dol.gov/whd/
WORKERS' COMPENSATION	NC Industrial Commission	1-800-688-8349	http://www.ic.nc.gov/