

ATTACHMENT C: SET 1--DRAFT OF FOCUS GROUP NOTES FROM STAKEHOLDERS MEETING

- Temporary and Employment Agencies
- Designated Agents and Users of Designated Agents
- Industry Representatives
- Multi-state Employers

Focus Group 1-3: Temporary and Employment Agencies

January 16, 2009, 11:00 a.m. Mountain Time

Note Takers Template

Save this file to your H: drive. Type in your notes. Refer to the audio recording following the focus group. Complete your notes and post them to the project drive in the Post Focus Group Notes subdirectory by noon the day after the focus group.

Introductions done:

6 Participants

1. Both temp and employment services, 1 main office in AZ, but nationally located.
2. Both services, 1 office.
3. Both services, 3 locations between AZ and TX.
4. Both services, 1 office in AZ, and nationwide.
5. Professional employer organization which does outsource HR but also does hiring assistance for their clients. They have 1 office.
6. Both services, multiple offices.

1. Did your company/office use the E-Verify program on a voluntary basis, prior to Arizona requiring its use?

One participant had been using E-Verify since initiation, when the basic pilot first came out, and another also had experience with the basic pilot.

Two participants started using it when it became mandatory. They were not aware of it previously.

Two participants started using it a couple of months before it was required.

For those who used E-Verify prior to it becoming required, did you feel you lost a competitive advantage over other temp/employment agencies that were not using E-Verify?

One noted that, initially, they used it as a marketing tool. Many of their clients thought it was great because they didn't want undocumented workers working for them. However, there was a drawback – they lost a lot of business because they also had many clients who didn't want them to check workers eligibility.

Another noted that they are an employer of _____ for people they place, so they felt safer using E-Verify rather than relying on an HR manager to do the I-9. They still fill out the I-9 but now have the backup of E-Verify.

One participant had not experienced losing people or having people go to another company because they were using E-Verify.

2. How did you learn about the state legislation making E-Verify mandatory for all employers in Arizona?

Participants learned about it in various ways.

One person had learned about it on the radio and thought this was a very effective way to learn about the law.

Another person received emails from INS and SSA months prior to E-Verify becoming mandatory. (This respondent receives updated emails from these agencies because their company has to file their magnetic media every year.) The respondent thought this was an effective way to learn about the law.

Another noted that their HR manager was notified through the American Staffing Association for any businesses located in AZ. She thought this was an effective way to learn about the law.

Another respondent was also notified by the American Staffing Association. This respondent thought they were also notified by the organization that was running it before USCIS.

And, one respondent learned about it through an email from their corporate office a couple of weeks prior to it being implemented.

3. What was your initial reaction to having to use E-Verify in Arizona?

All respondents said they welcomed the program.

One respondent noted that her company said “hallelujah” when finding out E-Verify was mandatory. She noted that they have a problem with undocumented workers in AZ and that her company had experience with the pilot program and knew it was easy to use and could feel certain that the people they hired were authorized to work in the U.S.

One respondent noted that it put competitors at the same level, so they thought it was a good thing and actually improved their numbers.

One noted that some applicants would see the E-Verify poster and then walk out. Because they are using E-Verify, they are saving time in putting people through the process since those who aren't legal to work in the U.S. will leave before ever applying. He thinks they've had great experience with it.

Another respondent mentioned the great sense of comfort they feel having E-Verify as a backup.

Another said that they were ready for the program, and that they have had no problems with it.

4. What specific steps did your company/office take to incorporate the E-Verify program into your current work authorization procedures?

One respondent noted that they were already following the law with the I-9, but this helps them to be sure that people are authorized to work and it makes them feel comfortable about what they are doing. They had heard complaints about the program being too difficult and too time consuming, but this respondent disagrees. She noted that it doesn't take long at all and is an easy program to learn.

Another respondent said a couple of their staff took the training online and designated someone to use E-Verify.

One said that their corporate office sent out emails advising what E-Verify was, why they were using it, and how to use it, and described the online tutorial staff would need to complete. They then had a Q&A session to make sure everyone was on board.

One respondent went through the program herself at their corporate office, took the test, and then rolled it out to each of the branches and to those in charge of using E-Verify and monitored what they were doing.

Anything to make the process easier?

Three respondents said they had no trouble and found the process very easy.

One respondent had a negative comment about the tutorial and the fact that each new user has to take the tutorial even if that person has taken it before with a previous employer.

No one else had any other information they would have liked to have during the transition/implementation period.

5. What are the benefits of using E-Verify for your company/office?

All agree that the benefits are having peace of mind and a good sense of security knowing that the employees they are sending out to clients are legal to work in the U.S. and that someone who is not legal to work isn't taking a job from someone who is allowed to work.

One noted that she also likes the added protection they provide for their clients.

Another noted that she also likes that it helps with audits.

6. Has using E-Verify been a burden to your company/office?

All agree no.

Did anyone have to purchase additional computer equipment or change/add to the Internet access they had available?

All responded no.

7. What type of training did you receive or did your company offer in order for staff to learn how to use the E-Verify program?

All respondents noted that their training consisted of taking the tutorial and most, if not all, also mentioned reviewing the “booklet” (user’s manual).

One respondent said that they reviewed the book that came from DHS with their HR officer and went through the program. Another respondent said that in addition to taking the tutorial, their company reviewed the paperwork they received via email from their corporate office.

Did anyone participate in the webinars or any other training provided by USCIS?

Only one of the respondents had participated in a training. It was a teleconference that basically was like the tutorial but someone was giving the training. Respondent thought the training received in the teleconference was informative since E-Verify had just recently become mandatory and was brand new to many.

Were there things you’d like to see changed in the training?

Two respondents said no.

Two respondents commented on how there needs to be training on how to put names into E-Verify. It was noted that sometimes, names on documents are not written in the way names are to be entered into E-Verify (for example, if you have a hyphenated last name). Both respondents have run into issues with this before.

What kind of training did you provide to staff to get everyone up to speed?

All respondents mentioned the online tutorial and some, if not all, also mentioned using the “booklet” (user’s manual).

How much time did it take to train?

One respondent noted that the tutorial took 45 minutes to 1 hour to complete.

Another respondent noted that the tutorial was great, but until their company went live and were actually entering employees into the system and using it, they didn't know what to expect or how to treat issues if a case needed resolved. She noted that they really learned by trial and error for the first couple of months. Another respondent agreed with this statement, but two noted that they did not have this same experience.

Additionally, one respondent said they did not experience any problems since they had used the pilot program previously.

8. Were there any E-Verify procedures or rules you found particularly confusing about what is allowed and what is not allowed?

One respondent finds it difficult that someone on the I-9 can produce a document that doesn't include their alien number, but that you need the alien number to complete E-Verify.

Another finds the biggest problem to be that the I-9 doesn't match what E-Verify requires and that the I-9 needs to be updated. Others in the focus group agreed with this.

Everyone agreed that nothing else is difficult about E-Verify and that it is very simple.

What is your understanding of a new hire?

One respondent answered the minute an offer is put out and accepted.

Another answered that as soon as they go through the process and know they are verified, then they are considered.

Another respondent noted that sometimes there are several days between when an offer is made and day the employee actually starts work, and because of this, their company has had some difficulty getting people to understand that they have to go through E-Verify to make sure they are eligible to work even though they will not be starting work for some period of time.

9. Based on your experience in implementing E-Verify in your company/office, what specific recommendations would you offer to other employers whose states might require them to use E-Verify?

One respondent recommended following instructions from DHS and making sure everyone who is going to use it is certified. Respondent also told a story about a long-term employee who left and came back but did not want to be put through E-Verify. The company insisted that this person be entered into E-Verify and found out that the person was not actually legal to work in the U.S. The respondent noted how important it is to follow the rules.

One respondent felt that, for anyone new who has to use it, they should not get concerned about having to go through "one more hurdle" before they can get someone started on employment.

It's so easy to use and gives you the added security that that person is eligible to work in the U.S. Two other respondents agreed with this.

10. What are the most important issues or topics you would like to see addressed in the Stakeholders meeting in Arizona?

One respondent talked about hearing all the negative news about how the program hurts employees, it's not fair, etc, but the respondent disagrees with all of this and wants to see a positive spin put on the program.

One respondent found that the people being negative the most are those in agriculture, landscape, and restaurant businesses and that they just need to be assured that it doesn't take a lot of time and is very simple. She wants to see the negative spin taken out of it as well.

Another mentioned that he wants there to be an emphasis on how important the program is – how it provides a great added benefit to the hiring process and provides added security.

Is identity fraud a topic you would like to see discussed at the Stakeholders meeting?

One respondent thought identify fraud could be brought up, but noted that employers were not police officers and couldn't identify these people, and even if they did, couldn't do anything about it anyway. He noted that dealing with it is time consuming, that people come out with fake IDs every day, and that their company usually notices them right away, the person goes through the process and are never hired.

Another noted that she doesn't see how E-Verify can help with identity fraud problems and that it is something they do not have control over and cannot help. Others agreed with this statement.

11. How well do you think employees understand their rights under the E-Verify program?

One respondent thought employees who do not speak English as well do not understand all of their rights. She noted that the document that is printed directly from the program when you have a "no match" is difficult to understand.

Another responded mentioned that he finds that people may not be sure what E-Verify is, but when they have to contest, and once the company prints out the necessary paperwork and reviews it with them, they do seem to understand and take the steps to resolve the issue. He has had a positive experience with this. Other respondents agreed with him about this and a few further explained that they sit down with the employee and explain the paperwork and next steps, and that the employee will do what they need to do to resolve the issue or will not. One respondent also noted that those who are legal and really want to work for their company will understand and follow the instructions.

How much time does it take to explain to employees?

Most agreed only a few minutes.

However, one respondent noted that their company is separated from employees. Employees are at client companies and many times her company has to ask the client to explain to the employees and she notes this might be where communication breakdown is happening.

Burden on employees?

All answered no to this.

How many of you have received TNCs?

All respondents had 10 or less.

Specifically, one respondent said her company had received 4 or 5.

Another said they received quite a few but usually it's because of their own error (e.g., name entered incorrectly, missed digit on SSN) which they are able to resolve. They have had 6 or 7 actual TNCs.

One respondent had 5 or 6 last year (all were resolved).

One had 4 or 5 (only 1 was not resolved).

One respondent had about 10 (some were resolved, some were not).

And, one person found that since they changed from the Basic Pilot to E-Verify, they have not had many TNCs, less than 5. When they first began using the Basic Pilot, they received about 50 a week.

Do any of you experience fewer job applicants for advertised positions since undocumented workers might be going to jobs in other states?

All agreed no, not in their market.

12. As a temporary help/employment agency, did you consider using a DA to handle your verifications?

One respondent noted that because they work in a small office, staff decided that he (the respondent) would be the dedicated user of E-Verify for simplicity of use.

Another respondent said his company acts as both an employer and a DA for other employers. They became a DA for other employers because they had a number of clients that did not want to go through the hassle of training and instead wanted to outsource.

Another respondent is also an employer and a DA for other employers. Respondent noted that they are a payroll processing company and they find it goes well with the services they offer. And, it is a good selling feature to clients since the clients do not have to use the program themselves. They decided to keep using E-Verify in house since it's fairly simple.

Three respondents also said they kept E-Verify use in house.

13. Prior to E-Verify becoming mandatory in Arizona, did any of your clients request that you refer only work-authorized employees?

Four respondents answered no – they did not have any clients who requested work-authorized employees be sent to them.

However, one respondent said that since they started using the system so early on, they did have many clients who requested they refer only work-authorized employees – about 30% of their clients had requested this.

14. What is the most challenging aspect of the work authorization process for temp/employment agencies since you have been using E-Verify?

One noted that they have not experienced any challenges that they didn't already have with the I-9s.

Another found that the only problem is someone not understanding the I-9.

Another respondent noted that because they are physically separated from employees, getting paperwork to employees can be difficult. They have clients all over the state and some are out of state, although they use E-Verify for only those clients who are located in AZ.

One respondent has experienced no challenges and noted that it is fairly simple for their company.

15. Are there any other issues related to the E-Verify program you would like to see addressed that we have not discussed?

One respondent explained that one of the biggest issues he has encountered is that DHS gives out IDs when the picture was taken and that the length of time that passes from the time the picture was taken to the time the person comes in to apply could be many years. He noted that photos need to be updated.

One respondent mentioned that earlier on they had issues with getting confirmation on some people. The employer has had to call the agency to find out if the employee has cleared. She finds this a problem because the system shows the case as unresolved and the employer has to take someone's word for it over the phone that the case is in fact resolved. It's a hassle in that the employer is relying on something to provide them with information, but when they don't get that information, the employer has to start making phone calls, be faced with almost having to pull an employee off the job, etc. She also noted that for those employees who are showing as unresolved in the system, they are allowed to continue with employment but only up to the deadline.

Another respondent had this same problem with the system not being updated, but mentioned that it occurred early on in the process, and within the first 3 months of use, they weren't experiencing that issue anymore and he has since found the response time to be very appropriate.

**Final Focus Group Questions – Stakeholders Meeting
DAs and Users of DAs**

January 14, 2009, 11:00 a.m. Mountain Time

General Questions

1. How long have you been a designated agent or a User of a DA?

Participant 1 – Began using it (E-Verify?) in January of last year.

Participant 2 – Set up in 2007, started working actively as a DA on January 1, 2008.

Participant 3 – Once it was mandated in AZ, that's when we officially became DAs.

Participant 4 – Since June of 2008.

Questions about AZ Mandate

2. Did your company/office use the E-Verify program on a voluntary basis, prior to Arizona requiring its use?

Participant 2 – Yes, I signed up as a user before, not as a DA, to see how it worked. That's when I hired my wife and did a query on her (she's a Mexican immigrant). It worked out fine.

- a. If not, do you know why your company/office did NOT use it?

Participant 1 – No, I don't know. We got a letter before January saying that it would be mandated so we started using it.

Participant 2 – I started using it for my own company because I knew it was going to be mandatory in AZ. I signed on as my own company and used it for myself, then switched over to become a DA. I thought it would be a good idea to get in on something that was going to be mandatory, and a badly needed service.

Participant 4 – We individually don't have employees, but we did sign on in June because we saw that it would be an opportunity for us to provide service to our existing clients and perhaps to other clients.

Participant 3 – I think it's just a procrastination thing and an awareness thing (that the program was available to companies).

3. How did you learn about the state legislation making E-Verify mandatory for all employers in Arizona?

Participant 1 – We got a letter in the mail stating that we had to start using it in January, so that’s when we started. It was from the state government.

Participant 2 – Anybody who reads the newspaper or listens to the news couldn’t avoid knowing about it, because it was so opposed by the business groups. It was a very controversial issue and it would be hard not to know about it.

Participant 4 – Our Chamber of Commerce monitored this as it was going through the legislative process, and of course, after the election and the court cases against it failed, everybody knew it would be in effect January 1.

b. In your opinion, was this an effective way to learn about the law?

Participant 4 – I think the state sent out notices to all employers. It seemed to be an effective way of contacting folks they had in the system. As Participant 2 mentioned, the news was covering it pretty well. I think it was well-known.

4. What was your initial reaction to the state legislation mandating the use of E-Verify?

Participant 4 – I thought it was a good result. The question I had at the time was whether the E-Verify system would be able to handle the load and from our experience it seems able to handle the load just fine.

Participant 2 – I thought it was a good idea because we’ve got a problem here in AZ. Although this is a business opportunity for me as a DA, I think it’s the right thing to do for businesses. But we got a little bit of a problem. It’s not actually mandatory for businesses to use E-Verify. While the AZ Employer Sanctions Law makes the use of E-Verify virtually mandatory, it provides no penalties for not doing so, even if citizens report non-compliance to authorities. I know a lot of employers who are hiring and not using E-Verify, so I called the Maricopa County Sheriff and asked if I could report employers who were hiring and not using E-Verify and they said they couldn’t take any action against them. A company can be made to *wish* they had used it, if somebody reports that they knowingly hired somebody illegally, but as long as nobody ever reports them, there are no penalties. More and more businesses are finding that there is very little risk in not using E-Verify. That’s why my business started off with a boom but now it’s dropping off.

Participant 1 – Our question when we started using it was whether we should include employees that had already been hired. Some people said you did and some said you didn’t. But I guess in the end we didn’t have to do it, we only used it on new hires after January 1.

Participant 3 – Our initial reaction was not negative. Again, we, like Participant 2, felt like it was a necessary step you need to take, especially here right across the Mexico border, where we do have an immigration problem. We did not have a negative reaction, nor did our clients.

Participant 2 – What I found that is it is a great deterrent, even if a lot of companies aren't signing on. For the companies I deal with, almost everybody turns out to be legal workers. The reason I think is because when the business posts the E-Verify poster, someone who is not authorized to work turns around and walks out.

Questions about E-Verify Use

5. What are the key reasons some employers are motivated to use a DA instead of doing the verifications in-house?

Participant 3 – Most of our employers kind of panic when they see the tutorial, and other employers have innumerable employees and simply do not want to take the time, especially if they get a TNC (which takes a little bit of extra effort) – they want someone else to do that for them.

Participant 4 – I agree with Participant 3 on the “panic” part of it with the tutorial/test – nobody likes to take a test. It's one of those functions that if you have one person on staff learn how to do it and they move or leave the job, then you're stuck. So that's another advantage for DAs, you can farm that out and not have to worry about that.

Participant 2 – I find that almost all my clients are very small in terms of the number of employees. Some have a lot of turnover but they don't have a lot of employees at the same time. They just don't want to fuss with it. They don't have the time or HR department that could devote time to it. And it's worth it, for the few dollars they spend to get their queries.

6. What are the characteristics of clients who are interested in using the services of a DA?

Participant 4 – Not entirely small – we have a mixture of clients, both large and small.

Participant 2 – That goes for me too, but the majority for me are mom and pop operations.

Participant 3 – A lot of our smaller clients actually still forget that they're supposed to be doing this, but the ones who attend the SHRM luncheons, they're very much aware of it. Most of ours are larger clients that use our services, rather than smaller clients. The larger ones have a large amount of employees and simply don't want to take the time to do it.

Participant 1 – I only do it for two small businesses, which are for the same owner.

How do you define large?

Participant 3 – More than 100 employees.

Participant 4 – 50-80 employees.

Participant 2 – I don't have anything larger than 10 employees, so anything larger than 10 would be large for me.

Are you clients from any particular industry?

Participant 4 – No particular industry. In AZ, I was expecting a lot of construction clients, but they seem to be setting up in-house.

Participant 2 – I agree, I had high expectations for construction clients. I advertised in construction trade papers. They're very resistant to signing on. I'm getting a lot in the restaurant business and hospitality (motel) industry.

Any temp/employment agencies?

Participant 3 – Most of the temp agencies in Tucson do it themselves.

Few new hires, many new hires?

Participant 4 – In the economy we've been experiencing during 2008, in our experience they are few hires. There is very low turnover and most of the turnover is outbound without replacement.

Participant 2 – I agree with Participant 4. I have a client that is a donut shop and since they've started using my service they get more permanent and reliable staff and that in itself cuts down on the turnover.

7. What services do DAs provide to their clients?

Participant 3 – I can tell you how we do it. We enter the name. We actually have our own computer programmer who built E-Verify into our own program, so our clients get it as their final report. If they get a TNC or something is pending, then we call our client and provide a letter and tell them exactly what they need to do, step by step. That is what our responsibility is per our company policy. We do employment screening. We run their background checks. Then, because it's not legal or ethical to run/fill out I-9 paperwork until the person is hired, then they go back into our program and they just click a button. Using the information we used on the background check, all they have to do is pick a drop-down menu much like we do when we enter it online for them. They pick the document type and type in the expiration date, but that's basically the end of it for them. We do everything else.

Participant 2 – The only thing I ask of my clients is that they properly fill out the I-9. They really don't have to do anything extra that they ordinarily would have to do if they weren't using E-Verify, and that's the information on the I-9. There's a definite difference between the hire date and the start date. I checked this out closely with E-Verify people. You can hire someone today, put them on payroll, but not have them start for two weeks. During that time, if they're not confirmed, you can take the necessary action and you wouldn't have ever had to invest in them starting.

Participant 4 – Our process is similar. When the client first signs their MOU, we'll send them an email with attachments and links to the USCIS site, I-9 documents/handbook, so they can have a reference. We also send the posters they have to put up.

Participant 2 – About half of my clients don't have the resources to get online and everything has to be handled by fax. This is a very important point; these are the people who wouldn't be able to use E-Verify if they didn't have a DA.

Do you provide any other services?

Participant 4 – We're a payroll company, so we do payroll for them. We don't actually E-Verify for all of our payroll clients, they can do it themselves. We also make it available to other employers who are not payroll clients.

Participant 2 – The only other service I provide, apart from doing verifications, is for two of my clients who had me come in and do a training session so they could do it themselves.

Participant 1 – No, we don't provide any other services. I do it here at the warehouse and we only have these two warehouses.

8. Describe the type of communication that typically occurs between a DA and User of DAs? (e.g., does it occur when there is a query or question, or are there regular calls or meetings between DA and users?)

Participant 2 – About half of my clients are fax communication.

Participant 3 – It depends on the client. Some clients prefer to use email, others prefer in-person and/or on the telephone. I would say the majority is via email.

Participant 4 – Usually the I-9 info is faxed in and we convert that to a digital image, we do the verification and then fax back the employment authorized report. It's mostly email with a little bit of fax.

Participant 2 – I do the same thing that Participant 4 mentioned, but to my clients that do not have email capabilities, I edit the reports and make it larger so that my clients can see it.

Participant 1 – Not very applicable for me, I handle all of it, I do all the paperwork and don't have to hand it over to anyone else.

9. How do DAs and users of DAs handle the responsibilities of dealing with TNCs?

Participant 4 – We haven't had any TNCs to this point, but if we had a TNC, we'd email the clients the necessary letters and notification and they'd probably fax things back to us.

Participant 1 – I haven't gotten any TNCs either, but I'd have to handle them myself.

Participant 2 – I get about maybe 10% TNCs, but I have never had a situation where a TNC was straightened out. I'm assuming they weren't authorized and they knew it and self-terminated. I have email and fax forms where I give them exact instructions and tell them what the applicant must do.

10. What challenges have you encountered with using E-Verify that you think might be specific to DAs and their clients?

Participant 2 – It is really ironic that the people who opposed E-Verify complain that DAs can't use the Photo Tool. They say it doesn't work well because the Photo Tool requirement is waived for them.

Participant 3 – If we go to sign up a client and they've started to sign up themselves, I think it would help to know which helpline number (of the two) to call to sort out specific issues. We've spent several days trying to get our clients signed up under us as a user of a DA.

Participant 4 – I would agree with Participant 3, I think that the situation where both the client and DA are signing up – more info on who to call would be helpful. The other thing kind of related to clients and agent is the three-day window – if we don't get the I-9 within those three days, then we're beyond the checking period. I'm not sure if that's entirely a DA issue or if a client would have had the delay themselves.

Participant 2 – Participant 4 mentioned something that concerned me. I was getting clients that would send an I-9 after the person had been hired a week. When I called E-Verify helpline and asked what I do, they said we don't really treat that in a strict manner. If it's just a little overdue, they said they won't do anything about that.

Questions about Training Procedures

11. What types of training do DAs and users of DAs receive about the E-Verify procedures and rules?

Participant 1 – Yes, when I got the letter, I did the tutorial and test. I do all of it for both companies but I do need to start training someone else. Yes, I felt it adequately prepared me. I had no clue what it was – I'm the bookkeeper here, so I had no clue what to do. But I haven't had a problem yet.

Participant 3 – We received just the training that was provided on the E-Verify system. I felt it was adequate. We completely understand it and they have numerous resources available to us as well as to provide to our clients. I have no issues with that whatsoever.

Participant 4 – We used the Users' Manual, did the tutorial. I think the State Chamber of Commerce offered online training seminars. I found those useful. The training manual, the agent's manual, and the E-Verify manual were more useful, but sometimes that reinforcement helped.

Participant 2 – I found it (not sure what he’s referring to here?) very useful. I’ve done two trainings for clients. I always refer to the manual before I call with a question.

What training do you provide to clients?

Participant 3 – We don’t provide a formal training because we provide the service ourselves. Any sort of info that they would need, we either hand carry that to our clients or attach it to the email when they sign up. It’s mostly via email that we provide any type of “training.”

Participant 4 – Pretty much the same as Participant 3. When we notify them, we attach references to the manual, and of course the MOU has what’s required. I think when we get a TNC, we’d provide them some onsite instruction.

Did anyone participate in the webinars that were available?

Participant 3 – No.

Participant 2 – No.

Participant 4 – The only webinar I participated in was coordinated through the State Chamber of Commerce. It was not as specific as the actual handbook but it was a good introduction to how E-Verify works.

Are there any topics that you’d feel you’d want to have more training on?

Participant 4 – Can’t think of anything.

Participant 2 – Can’t either. I think it’s a marvelous program and the people who don’t like “red tape” and difficult tests and all that, those are my clients.

Participant 3 – I felt I had sufficient information.

12. Were there any E-Verify procedures or rules you found particularly confusing about what is allowed and what is not allowed?

Participant 3 – No, we really haven’t been confused about rules.

Participant 2 – The only thing that some of my clients found confusing and that I had to research to answer, they wanted to know what the official hire date was. When I called and spoke to the “second tier” (?) at E-Verify, they said basically the day the I-9 is filled out is the hire date, but it’s not necessarily the start date. We found that confusing.

Participant 3 – Our clients had the same issue and our answer was the same. There is no real right answer – as long as you do the process consistently with each and every applicant, then whatever procedure you use is correct.

Participant 2 – Almost all of my clients miss the field on I-9 that specifies the hire date. On the form itself, they miss it and I can't blame them either – it's a really small little field stuck in a bunch of writing.

Participant 4 – We've had a number of I-9 forms come in without the hire date, but we always return it and ask them to provide that information. I've kind of surmised that it's because they never knew how to fill out the I-9 in the first place.

Closing Questions

13. Based on your experience in implementing E-Verify as a DA/user of a DA, what specific recommendations would you offer to other employers whose states might require them to use E-Verify?

Participant 2 – Most companies that use E-Verify, there's nothing much you have to tell them. It's the people who resist it that have to be told all this info.

Participant 4 – Don't ignore it, just get started with it. Use the resources that are made available in terms of training and education, etc. and jump in. Either train yourself or get a DA to help you set up. I think one of the concerns at the outset was that the system was not going to be reliable in terms of accuracy and dependable in terms of robustness (being able to handle traffic). From our experience, it's doing fine.

Has anyone had any issues with identity fraud?

Participant 2 – We wouldn't really know if we've had any issues because we don't use the Photo Tool. We can't tell if someone is using another person's identity. The big shortcoming of E-Verify is that the same SSN and name can be used at multiple companies and they're not flagged.

Participant 3 – We haven't had any issues in reference to the I-9 verification – we've had some questions from our clients and our boss will physically go out there and look at the documentation and give his best advice. Our "alerts" to identity theft come from other venues, like credit reports and SS ID reports, criminal records, etc., but not specifically with E-Verify.

Participant 4 – Not in our service as a DA, just anecdotally, I spoke with an employer who was doing their own and that employer suspected identity theft.

14. What are the most important issues or topics you would like to see addressed in the Stakeholders meeting in Arizona?

Participant 2 – I think the most important issue that the employer sanctions law has to be amended to make the use of E-Verify mandatory. It's not really mandatory now.

Participant 3 – I really don't have any additional suggestions. The info you brought up today basically covers everything.

Of the topics we covered today, what would say is the top priority?

Participant 2 – Amending the AZ Employer Sanctions Law to make it mandatory.

Participant 4 – The issue of educating employers generally in the state about their I-9 requirements. Even without the AZ statute, the I-9 is a requirement and I suspect that it's not consistently or perhaps even widely actually completed.

Participant 2 – Participant 4 is right – not only do they not fill out the I-9, but they sometimes put too much information.

15. Are there any other issues related to the E-Verify program you would like to see addressed that we have not discussed?

Any issues cited by your clients regarding E-Verify?

Participant 2 – I get complaints about them not being able to hire illegal workers anymore. In some cases that is true, there are certain labor shortages, but that should quickly remedy itself over time.

Participant 3 – We don't really have any issues concerning our clients, because we kind of spoon-feed our clients.

Participant 4 – No, nothing from the clients that has come up as a concern.

(Comment from Participant 4 after the focus group officially ended:)

Participant 4 – The legislature in AZ modified the Legal AZ Workers Act in April or May 2008 and added a few clarification and other aspects of the program. One thing they did that I think will encourage participation, is that the Attorney General is supposed to collect from USCIS is the listed of all registered AZ employers who are E-Verify users and list them on website. We sent that to all our clients and if they registered early enough, their name is on there (except that it's under their legal name instead of their DBA and that is a little confusing). I think that's an encouragement for people to get on the bandwagon.

Participant 2 – I obtain all AZ E-Verify users from an organization called Numbers USA and then post that on my website. My clients can look to see that they're on it and see who else is on it.

**Final Focus Group Questions – Stakeholders Meeting
Industry Representatives**

January 15, 2009, 11:00 a.m. Mountain Time

Participant 1 – works in higher education; company has 5,000 employees
Participant 2 – service industry; 1,500-2,000 employees
Participant 3 – hospitality; 200 employees
Participant 4 – food services; 20 employees
Participant 5 – energy company; not sure about # of employees company has worldwide
Participant 6 – hospital; 2,000 employees
Participant 7 – day programs and services for people with disabilities; 120 employees
Participant 8 – automobiles; 700 employees

Introductory Questions

1. Did your company/office use the E-Verify program on a voluntary basis, prior to Arizona requiring its use? If not, do you know why your company/office did NOT use it?

Participant 1: We did not; we didn't think we needed it.

Participant 7: We did not; we did not know it existed.

Participant 2: We did not. We didn't see a need for it. The previous employer I worked for did use the program.

Participant 4: We did not as we didn't think we needed to use it.

Participant 3: We did.

Participant 6: We did not; we did background checks previously.

Participant 8: We did not; we didn't need it at that point.

2. Prior to using E-Verify, what did you hear about the program? Where did you hear it? Once you used the program, did you find this information to be true or not? How did you learn it was not true?

Participant 1: We did not hear about it. We began to hear about it when the legal Arizona (AZ) act came into play.

Participant 7: We heard alarming information on how hard it was going to be and the number of potential applicants who would get rejected. We had already done background checks on

applicants prior to E-Verify. We are not likely to hire applicants who are illegal immigrants because of the nature of our work.

Participant 3: We heard that the penalties against employers were going to be strict and that the ramifications for not complying were going to be devastating so we started the program early.

Participant 4: We heard about it when it was being authorized by congress.

Participant 8 We did background checks previous to E-Verify and were prepared to use the program as an additional check in our hiring process.

FOLLOW-UP QUESTION: What penalties did you hear about if companies didn't comply?

Participant 8 We heard that we could be forced out of business and even lose our license to stay in business. That it was all going to be very Draconian. Our lawyers warned us about penalties for not complying.

Participant 4: Agrees with Participant 8.

Participant 2: We heard there would be three strikes and you're out rule/law: 1st time offense meant a fine; a 2nd time offense meant a fine and you would lose your license; and a 3rd time offense meant a fine and the closing of your office.

Participant 1: Asked whether the question was asking about prior to the implementation of the AZ law. [Moderator answered yes.] The comments mentioned by others rang true with our company as well but until we were certain the AZ law was going to take effect, we didn't have any fear about the program.

Participant 8: Prior to the AZ law, we did not know what the penalties were.

Mandatory Environment

3. How did you learn about the state legislation making E-Verify mandatory for all employers in Arizona?

Participant 7: You HAD to have learned about it; information about the program was widely disseminated. It was reported in the newspaper and various organizations that serve employers told us about it.

Participant 1: I agree with V. How could you have not known about the program unless you were living under a rock.

Participant 4: In addition to hearing about the program through various media channels, it was brought up before AZ voters in the form of a proposition.

Participant 8: Heard about it through various trade associations and professional organizations emailing information on the program.

c. In your opinion, was this an effective way to learn about the law?

Participant 1: The program was in the courts to determine whether it would be implemented. We relied on professional organizations to prepare us if it was going to be implemented but not to the extent of investing too much if it was not going to be implemented. This state of limbo created difficulties and a lot of confusion and angst for us.

Participant 7: It was unfortunate that there was so much hysteria about the law going into effect. It created the impression that it would be cumbersome when it didn't turn out to be difficult to use.

d. What was your initial reaction to having to use E-Verify in Arizona? Did you think this would pose a problem for your company?

Participant 4: We did not think it would create a problem, but we thought it would create more extra work.

Participant 2: For the type of company we are, it did pose a problem. We use to average hiring 100 people a week but now we hire 5-10 people a week. I think people stopped applying after they realized we would be forced to do background checks.

Participant 3: We had a lot of employees leave as the law was going into effect.

Participant 8: I have a hunch that people are leaving this county because of E-Verify.

Participant 2: I agree with J's statement.

Participant 4: I agree with J's statement.

Participant 1: I don't know if it has had an effect on our population. However, the program has created a tremendous procedural burden on us because of the bureaucracy it created (adding staff to run the program).

4. What specific steps did your company/office take to incorporate the E-Verify program into your current work authorization procedures (e.g. I-9 form, verify SSN's through SSA)?

Participant 1: Our process is decentralized; the I-9 form is done in a 100 different places. It is difficult to collect I-9 forms by the 3rd day according to law. The other difficulty we face is

the fact that we hire seasonally. The 3-day limit caused a lot of burden – we needed a huge communication effort to get people to turn in their I-9 information to us quickly.

Participant 7: Our organization is small and centralized so E-Verify was just another thing we had to get done in the hiring process.

Participant 4: It was just an extra step; it extended the hiring period a little bit longer.

Participant 8: It just added a few extra hrs to the hiring process.

FOLLOW-UP QUESTION: Hiring new staff to help with the process?

Participant 1: Our company reallocated staff to work on E-Verify checks. It required .5 FTE staff.

- e. How would you describe this transition from your prior work authorization procedures to E-Verify (e.g, easy, difficult, about the same) What strategies or procedures worked well? What challenges, if any, did your company encounter in making the transition to E-Verify?

Participant 2: The application process takes longer now (adds about 15-20 minutes) as we have to explain to applicants about the results. It puts us in a bind because they want to tell us the truth [about their work authorization status] but we don't want to know.

- f. What would have made the process easier for your company? What, if any, resources or information would have been helpful?

Participant 1: It would have been helpful to have more explicit information on the 3-days rule. We were not sure about the period of time the 3 days cover (e.g., can we do verification prior to employee beginning work). The definition of the 3-days rule can be manipulated but can be unique to industries. For example, in higher ed., we may hire someone in the spring and they start in the fall and it's not clear when the hire date is.

Participant 8: Less information would have been helpful; less media, association, and legal frenzy. Also would have been helpful to make more clear how long the process takes. They thought it was going to be major commitment but that wasn't the case.

Participant 2: It would have been helpful if USCIS representatives were trained better prior to the law. We would often call USCIS for assistance and they would not be able to answer our questions and would have to get back to us in a day or two.

?: It would have been helpful if the verification process was better described; the process was straighter forward than we first thought.

5. Has using E-Verify been a burden to your company/office?
- g. If so, how? (PROBE: increase in workload? How did your company handle the increase in the workload?
 - h. Did you purchase additional computer equipment or software or need to add or change your Internet access available?
 - i. Experience fewer job applicants for advertised positions since undocumented workers may go to other states or to employers that may NOT use E-Verify correctly?
 - j. Need staff training?
 - k. Do you know if E-Verify has been a burden on your employees? How?

Training

6. What type of training did you receive or did your company offer in order for staff to learn how to use the E-Verify program?

Participant 8: We didn't provide any training; only 2 people were authorized to use it and they used the tutorial.

Participant 7: Trained using tutorial.

Participant 4: Trained using tutorial.

Participant 1: Trained using tutorial.

Participant 6: Trained using tutorial.

Participant 2: Trained using tutorial.

PROBE if not mentioned:

- l. Did you take the tutorial and mastery test on the E-Verify website? Do you feel they adequately prepared you to understand the procedures and rules? Did they prepare you to use the program?
- m. Did you read the User's manual? Was it helpful?

Participant 6: Yes, it was very helpful and I still use it.

Participant 1: Likewise.

Participant 8: Yes.

Participant 4: Yes.

Participant 2: Yes.

- n. Did you participate in the Webinars or any other training provided by USCIS? If so, what type of training? What did you think about the quality of the training?

Participant 1: Yes.

Participant 7 No.

Participant 8 No.

Participant 6 No.

- o. Did you or company participate in any training offered by an outside vendor or company? What type of training? What topics were covered? What did you think about the quality of the training you received?
- p. Were there any topics/issues you would like to see covered that were not included or not adequately covered in the training you received?

Participant 8: Training was in process of federal; 3 days state law, those 2 things are not the same

- 7. Were there any E-Verify procedures or rules you found particularly confusing about what is allowed and what is not allowed? Which ones? For example, what is your understanding of a new hire?

Participant 7 The process seemed pretty straight forward to me.

- 8. Have you had occasion to use the Photo Tool? What do you think about it?

Participant 7 No.

Participant 4: No.

Participant 1: No.

Participant 8 No.

Participant 6 No.

Participant 5 No.

Participant 2: We have used it but it wasn't really an effective way to detect fraudulent documents. We've had a few cases where the pictures match but the numbers did not on ID cards.

- q. In your opinion, as it currently works, is the Photo Tool an effective way to detect fraudulent documents, or would you like to see it expanded to more types of documents?
- r. What concerns, if any, do you have about identity fraud? Do you have any ideas about other ways to reduce identity fraud?

Participant 2: We've had complaints about identify fraud. Police agencies brought these to their attention; some people were using other people's identities.

9. Based on your experience in implementing E-Verify in your company/office, what specific recommendations would you offer to other employers whose states might require them to use E-Verify?

Participant 8: I would say to others that the program is pretty straight forward and don't be alarmed at the process.

Participant 2: Ask USCIS to better train their staff.

Participant 4: The program is highly accurate and it's a good tool to use to assess work authorization.

Participant 1: I would say not to worry about the system. The process does not take long (3 minutes per verification). But it would be a good idea to have a centralized process for the intake.

Participant 5 Our biggest challenge is the 3-days rule. We have to rely on others to get me the information to input.

10. What are the most important issues or topics you would like to see addressed in the Stakeholders meeting in Arizona?

Participant 2: Identify theft issue because our company has to deal with this. We only had 3 cases of identify theft but our company has to worry about ramifications if we don't comply even though we did our "due diligence."

Participant 1: The 3-days rule. How do we define hiring date according to E-Verify.

Participant 8 See if state would be willing to reconsider 3-day threshold; the 3 days is a little tight.

Participant 4: Agreed with J's statement.

Participant 5 Agreed with J's statement.

11. How well do you think employees understand their rights under the E-Verify program? How much time do you spend explaining the employee's rights to them?

Participant 8: They have no clue.

Participant 4: No clue.

Participant 5: They understand their rights after we explain it to them.

Participant 7: Agreed with Participant 5.

Participant 1: Both of our new employees are not aware of it. TNCs tend to be given to international hires. It requires a tremendous amount of effort to help them contest; it's always resolved but still a difficult process.

FOLLOW-UP QUESTION: Do you explain to employees their rights under the program?

Participant 1: Only when applicants receive a TNC.

Participant 2: We have posters posted up front and in languages we need. Applicants know we use the program. Only time they don't understand their rights is when they receive a TNC.

Participant 5 When applicants receive a TNC; have to spend a lot of time going over rules and follow up with them.

Participant 8 We don't hold their hands at all; we put the burden on the employees.

Group-specific questions for representatives from industries with historically large concentrations of undocumented workers:

12. Are any of your employees hired to work in remote sites from the main office? How remote? What special challenges, if any, did you encounter with using E-Verify to confirm the work authorization of your employees?

Participant 1: Yes.

Participant 8 All employees are at remote sites.

Participant 7 Many are.

Participant 5 All are remote.

Participant 2: All are remote.

FOLLOW-UP QUESTION: How remote?

Participant 7: Remote but within 20-30 square miles.

Participant 1: We have site throughout the state. We always attempt to meet the 3-days rule by use of faxes.

Participant 8 We fax all documents; Sites are spread throughout county.

Participant 5: We fax documents; 20+ sites in Phoenix metropolitan area.

FOLLOW-UP QUESTION: Is verification done at the main office?

Participant 1: Most verifications are done in centralized HR; office located off site but location is near main office.

Participant 5 We don't have an office, staff works from home. I run all verification checks from home.

FOLLOW-UP QUESTION: Problems with verifying offsite?

Participant 1: TNC creates some difficulties; we usually explain the process to applicants in person but when applicants are not in the same town it creates some challenges, particularly trying to comply with the 3-day rule.

Participant 8: The 3-day rule creates difficulty. If we hire someone on Friday, that means they have to get things in by Monday. But it's not clear if this is 3 days or not.

13. Has E-Verify affected the pool of applicants for jobs at your company or the number of new workers you have been able to hire? In what ways?

Participant 6: It hasn't at all.

Participant 1: It hasn't affected our pool either.

Participant 4: It hasn't affected our pool.

Participant 7 It hasn't affected ours.

Participant 8 I'd agree with that.

FOLLOW-UP QUESTION: Would you all say the number of new workers you've been able to hire has remained constant since you've started using E-Verify?

Participant 4: Yes

Participant 7: Yes

Participant 8: It's hard to get an answer to that question because of that economic situation.

Participant 1: I'd agree.

- s. Has it affected the number of new hires you have been able to retain? In what ways?

14. Has the use of E-Verify affected the **type** of new employees (white collar, agricultural workers, mining workers) you have been able to hire? In what ways?

Participant 6: No, it hasn't.

Participant 1: No.

Participant 7: No.

Participant 8: No.

Participant 4: No.

Participant 2: Yes. We used to get the majority of our applicants who were Hispanic and that has decreased. I think it's because of our use of E-Verify now.

15. Are there any other issues related to the E-Verify program you would like to see addressed that we have not discussed?

Participant 7 It's annoying to have to change the password all the time; it would be nice to use the same password.

Participant 4: Agree with last statement.

Focus Group 1-5: Multi-state Employers

January 23, 2009, 11:00 a.m. Mountain Time

Note Takers Template

Participants

Participant 1: - multi-state employer; 320 employees; Warehousing industry

Participant 2: - Arizona only; 170 employees; Financial institution

Participant 3: - multi-state employer; 8,000 employees across states; Manufacturing industry

Participant 4: -multi-state employer; 7,000 employees; Manufacturing industry

Participant 5: - multi-state employer; 1,700 employees; Manufacturing industry

Participant 6: -Arizona only; 150 employees; Hospitality industry

Participant 7: - multi-state employer, (seasonal) 300-2,000 employees in summer, family entertainment industry

1. Are the headquarters/corporate office of your company located in Arizona or in a different state?

Participant 3: Different state.

Participant 4: Different state.

Participant 5: Corporate office in Arizona.

Participant 1: Corporate office in Arizona.

Participant 6: Corporate office in Arizona.

2. Do all your offices (including headquarters) use E-Verify or just those located in Arizona?

Participant 1: All offices use E-Verify.

Participant 3: All offices inside and outside of AZ use E-Verify.

Participant 4: Only offices in AZ.

Participant 5: All offices inside and outside of AZ use E-Verify.

a. What challenges, if any, does your company face with this arrangement? How has the company addressed these challenges?

Participant 4: We have some government contracts so we need to be conscious of that and we're in the process of deciding if we want to extend E-Verify to the rest of country. Since there are a lot of people involved we need to get everyone familiar with E-Verify. Since it's becoming a wave of the future, we'll try to be proactive before anything is mandated in some of the other states.

B What challenges, if any, has this arrangement created for your company? How has the company addressed these challenges?

Participant 1: As a multi-state employer, we do E-Verify at our location for all sites throughout the country. [Moderator: Did all of your offices begin E-Verify at the same time or was it rolled out to different states at different times?] This was all done at the same time.

Participant 3: We started in AZ first and the rest of the corporation came into play approximately 1 year later.

Participant 5: All of our companies started the same time last year, but we have different program administrators in each state. [Moderator: Was that a challenge bringing everyone in line at the same time?] We have a tight-knit group of HR representatives which are all involved with E-Verify. We participated in training seminars and several conferences in regards to the start-up.

c. What guidance, if any, have you received from the State of Arizona regarding what sites and companies needed to be enrolled?

Participant 3: We heard about E-Verify from newspapers, online, and public relations blasts. It was mainly PR. You just logged in and did it and that was about it.

Participant 2: Agrees with K. Heard from PR and went to the website.

Participant 5: We met with our legal counsel before implementation who provided several informational meetings. As a result we decided to start.

Participant 4: Agrees with R. We work with a legal team.

3. Did your company/office use the E-Verify program on a voluntary basis, prior to Arizona requiring its use?

Participant 1: Yes, we did use it prior to it being mandated.

Participant 2: Yes, we did.

Participant 3: We just used it a month prior to make sure everything was setup and working properly.

Participant 4: Agrees with K. We tested it before it went live. [Moderator: Why didn't you use it prior to one month before?] We do everything manually here and our other locations do their I-9s

and track them at their own locations. [Moderator: Do you have computer facilities there and Internet access?] Yes, we have computers and Internet access there.

Participant 5: We did not use it because we had never heard of it.

Questions Related to Mandatory Environment

4. How did you learn about the state legislation making E-Verify mandatory for all employers in Arizona?

Participant 3: We heard the PR blitzes, talk of potential lawsuits in newspaper, and blitzes from junk e-mail. [Moderator: Did your company tell you about this before you got all this information or did you get this information first]? I got the information first.

Participant 5: We had discussions with our legal counsel and received information from newspapers, and our affiliation with the SHRM office.

In your opinion, was this an effective way to learn about the law?

Participant 5: Yes, but we heard variations of information because they were still working on the laws up until January 1. [Moderator: When there were differing opinions or different information provided what source did you go to find out what was accurate? We were relying more on our legal counsel than the public newspapers to ensure that we received reliable information.

[Moderator: What about those of you who didn't have lawyers or legal counsel did you experience a similar issue with receiving different types of information or incomplete information or information you thought wasn't accurate?]

Participant 1: We relied on the local SHRM office to distribute the appropriate information.

Participant 3: We went to the USCIS website to retrieve information.

Participant 2: We received information from newspapers and went to the USCIS website.

Participant 6: We called the E-Verify helpline with any questions and focused on the newspapers and PR statements.

- a. What was your initial reaction to having to use E-Verify in Arizona? Did you think this would pose a problem for your company/offices?

Participant 6: We were uncertain about having another step in the hiring process but it's working fine.

Participant 2: We agreed with it because legal immigration is an issue that really affects southern AZ.

Participant 5: The implementation of E-Verify actually helped improve our company turnover which is why we like it now.

Participant 3: We thought it was another step to take but didn't think it was a big issue.

Participant 4: We didn't have any problems. The implementation was easy and it makes the hiring process a lot easier.

5. What specific steps did your company/office take to incorporate the E-Verify program into your current work authorization procedures?

Participant 1: We have a similar situation to V. Everything funnels through us at corporate headquarters; we get all I-9s and everything. We just do the E-Verify here, so it is just one additional step to take.

Participant 2: I do the I-9s myself and talk to the employees to get their information.

Participant 3: We make sure to get photocopies, because we weren't getting them before. Now it is required. We ran a pretty tight process before and there is not much change from before.

Participant 4: We worked with our legal team and had an outside auditor come in to look at where we were currently at with the I-9 process. The process took about 30 days. Then we incorporated the program into our system. [Moderator: What do you mean by where you were with I-9s?] In AZ, we house the I-9s and our other locations house their own. However, we store them in one location and we have multiple people to fill out the I-9 forms. So we ensured that they were clean. [Moderator: Was the fact that you had multiple locations within AZ an issue for you in implementing the program?] We don't have any issues with implementing the program, but as we move forward with the I-9 form and get into E-Verify, we are making sure that people capture information correctly. We had to retrain associates to get initial documentation completed correctly.

Participant 5: We took several steps to place E-verify into our work authorization procedures, such as trainings, Webinars, I-9 audit, and we're writing a policy on work authorization and immigration issues. Regarding multiple sites, we currently run 3 audits each time an employee is hired. Our site houses our own I-9 forms and case detail pages. When we process new hire paperwork, we audit every I-9 that comes in to ensure it is complete and cases are resolved.

Participant 6: Similar to K- We made sure the I-9s were pulled up correctly so when E-verify was implemented we just had to take one more step.

- b. How would you describe this transition from your prior work authorization procedures to E-Verify (e.g., easy, difficult, about the same)? What strategies or procedures worked well? What challenges, if any, did your company encounter in making the transition to E-Verify?

Participant 4: Easy.

Participant 3: Easy.

Participant 2: Easy.

Participant 6: Easy.

Participant 5: We had a hard time with E-Verify because we needed to ensure that our employees had time to run through the tutorial and attend trainings on how to complete I-9s and regulations surrounding E-Verify. Also it was hard for employees to understand the process, and the outsiders feel distant because they didn't understand why they have to use the system when it was only mandated in Arizona.

Participant 7: It was fairly seamless. All of the implementation was done here and we do all of the entry ourselves.

- c. What would have made the process easier for your company? What, if any, resources or information would have been helpful?

Participant 2: The only problem was that the training was time consuming and clunky. At the training, they made it seem like it was going to be hard to do, but in fact it wasn't. [Moderator: What aspect of training was a little clunky?] The training didn't flow and you had to go back and forth between the screens and retrieving information. If you didn't know that you would've missed entire portions of the training.

[Moderator: Recommendations for making transition process easier?]

Participant 3: No. The key is if you already have a good process in place and understand the law it's seamless. The companies who don't and aren't good with paperwork may have more trouble.

6. What do your organizations see as the benefits of mandating that all employers use E-Verify?

Participant 2: We don't have many alien employees. We did have 1 employee for which Social Security didn't have their information correctly and E-Verify was good for handling that issue and helping the employee correct the information.

Participant 4: Consistency with policies and practices. We try to do it on a consistent basis because it's hard when you have only 1 state doing it and others not.

Some didn't realize there were problems with passports and IDs and E-Verify has an easy process to get issues resolved.

Participant 5: The benefit for us is reduced or eliminated liability from the E-Verify program. Especially in AZ or even FL we have lots of immigration issues and fraudulent documents. Now we have reduced turnover because E-Verify has been an increased deterrent for illegal immigrants seeking employment with us.

7. Has using E-Verify been a burden to your company/office?

Participant 2: No, it has not.

Participant 1: No, it has not.

Participant 3: No, it has not.

Participant 4: No, it has not.

Participant 5: No, it has not been a burden for us, but it has been for our field employees. We have field ironworkers who don't always have Internet accessibility in the field. So we have to have special procedures for our new hires. We have them fax in their original I-9 forms and run verifications from those faxes.

Participant 6: No, it has not.

d. What about the need staff training? Has that been any burden on companies?

Participant 4: Not at this time but we'll see when we branch out.

Participant 3: No, no burden.

Participant 7: No. Managers came in wanting to know about the procedures.

Participant 5: We have our own local program administrators operating E-Verify so if employees leave we need to retrain someone else which becomes a burden. So we constantly update who is new program administrator and who is their backup.

[Moderator: Do any of you have a lot of staff turnover in your HR office like the situation we just heard about?]

No responses.

Training, Compliance, and Communication

8. What type of training did you receive or did your company offer in order for staff to learn how to use the E-Verify program?

Participant 3: We just did the online tutorial. [Moderator: Someone earlier mentioned the tutorial was kind of clunky, have any others experienced that?][It was kind of choppy and the system kicked me out several times so I had to log in and go through everything again to resume my place.

Participant 4: We started with our legal team and went through the legal process after we completed the I-9 training and audit. Then we took the tutorial and mastery test.

Agreed with K about getting kicked out of the tutorial and it was hard to get back into it when there were office interruptions.

Participant 5: The tutorial wasn't very bad. It was set up in September 2007 and immediately after that date they made updates to the tutorial. There were several changes which made it difficult to deal with.

[Moderator: One person mentioned the Webinars. Did you participate in the Webinars or any other training provided by USCIS?]

Participant 2: We were not aware of the Webinar.

Participant 7: We were not aware of the Webinar.

Participant 4: We did the Webinar. It was nice because we asked questions which they were able to answer.

Participant 6: We were not aware of Webinar.

b. Did you read the User's manual? Was it helpful?

Participant 4: The User's manual was very helpful.

Participant 3: It was okay, but pretty lengthy so I ended up just looking at the summary pages in order to pass the mastery test.

c. Were there any topics/issues you would like to see covered that were not included or not adequately covered in the training you received?

Participant 6: At the beginning we had a few employees who were not work authorized and insisted that they were legal workers, but we couldn't tell them what actions to take because there were no instructions about what to do, such as the details about the timeframe for going to the Social Security office to handle the issue. Most of them were ultimately fired. [Moderator: When you receive initial TNCs you gave them the printout, the notice to go to Social Security to make corrections?] Yes, we gave them the notice. [Moderator: Did they contest the finding and then they went to Social Security or USCIS?] Yes. [Moderator: And then what happened?] The process was so long they ended up quitting.

Agreed with Participant 4 that Social Security was not cooperative.

Participant 4: We had a few employees who were not authorized and did receive TNCs. I thought everything was clear about the process, such as what to bring and what to provide. However, Social Security was not cooperative or helpful in handling the TNCs. One instance, Social Security told the employee everything looks fine, you submitted your paperwork so there was nothing they could do for them. They said they would send letters but they didn't print letters. The associates ended up feeling very frustrated

[Moderator: Any other areas you would like to have more information about in the training?]

Participant 5: When employees receive TNCs it would be helpful if the system could count down until the 8th government day passes and so on so that it is easier to keep track of the timeframe for resolving TNCs.

9. Were there any E-Verify procedures or rules you found particularly confusing about what is allowed and what is not allowed?

Participant 3: No.

Participant 4: The I-9 process can still be confusing because they discuss how we modified certain columns, but the supporting documentation still has the old paperwork on there. They just haven't modified the form. For example, the new one-February 1 2009 form talks about not having picture IDs, but it still has that on Column B.

There was an instance where someone had a problem with birth certificates and it was going back to the state and we couldn't get confirmation on a timely basis. When this occurs we don't know how long we should continue working on getting supporting documentation before we have to consider terminating employees.

Participant 6: No. But when there's a TNC or a worker had a resident alien card it was unclear about whether we are supposed to keep their photo or not.

10. How does your company/office define new hire for E-Verify purposes?

Participant 2: Anyone who is new to your organization. [Moderator: Anyone have a different definition?]

Participant 3: We don't have a different definition because we haven't come across any new hires yet.

Participant 6: If we have any rehires we consider them to be new hires and still run E-Verify. If we hired them a few years ago before we started using E-Verify and we rehire them later then we use E-Verify.

11. How well do you think employees understand their rights under the E-Verify program? And how much time do you spend explaining their rights to them such as TNCs?

Participant 3: We only had about 20 hires in 2008 and we never had any TNCs so it was just regular business for us.

Participant 4: We post that we comply with E-verify so job applicants know we participate in the program. When employees receive TNCs we sit down with them one on one to discuss the details and we try to be helpful and inform them about the process. [Moderator: Do you find you have to explain a lot to the employees about E-Verify?] Not necessarily about E-Verify, just what they need to do in the next steps. Arizona did a good job with the media outlets, PR, and newspapers about informing people about E-Verify use. We still hear about it a lot.

Participant 6: I think the employees that were not verified don't understand. [Moderator: Have you spent time trying to explain things?] Yes, we run everything through our corporate office that sends information to managers who explains everything to the employees. We also post something in employee room about E-Verify and their rights with E-Verify. [Moderator: Has this proved to be effective in helping employees understand things better when the manager sits down with them?] Yes, I think so. But most employees that were not confirmed were illegal so there wasn't much they could do for them.

12. Prior to using E-Verify, what did you hear about the program? (Question not asked because it was answered from previous responses)

Concluding Questions

13. Based on your experience in implementing E-Verify in your company/office, what specific recommendations would you offer to other employers whose states might require them to use E-Verify?

Participant 2: Agreed as well.

Participant 7: Anyone involved in hiring needs to understand the process even if they don't use E-Verify. Once they understand the process they know why we need the information and why we need to explain things so clearly.

Participant 3: Agreed with previous statements.

Participant 4: Education and training on how to complete I-9 forms properly and the reason behind it.

When you set up multiple locations, it is the corporate administrator versus the program administrator versus the general user. You need to go into more detail about the how's and whys you have one versus the other.

14. What are the most important issues or topics you would like to see addressed in the Stakeholders meeting in Arizona?

Participant 3: When data is not in Social Security or USICS and employees get TNC what is done to ensure data is as up to date as possible for future users or even people who recently became US citizens. For example, in AZ we just got a ton of people who became US citizens and there is a lag in that data. Perhaps there is a way to speed things up because these are the people who are most likely to get TNCs when they actually have the right to work.

[Moderator: I know we talked about the I-9 for example, is that something that you think would be important to cover or even training?] We should keep the retraining going especially on I-9s with most recent updates.

Participant 4: We have a new form that comes in February and already expires in June of this year. We need to find a way to keep those up to date and ensure IDs and forms of identification are correct on the form.

[Moderator: Has the definition of new hire been a problem for any of you?]

Participant 2: No.

Participant 3: No.

Participant 4: No. We get quite a few rehires and I think we're clear on the rehire versus the new hire.

15. Are there any other issues related to the E-Verify program you would like to see addressed that we have not discussed?

No responses from anyone.