

Special Condition

Employment Eligibility Verification for Hiring under the Award

This Federal Special Condition is passed down through the National Children's Alliance (NCA) to all NCA subrecipients.

Special Condition Language

1. The recipient (and any subrecipient at any tier) must -
 - a. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).
 - b. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—
 - (1) this award requirement for verification of employment eligibility, and
 - (2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
 - c. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).
 - d. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

Rules of construction

1. Staff involved in the hiring process For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.
2. Employment eligibility confirmation with E-Verify For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.everify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Non confirmation" or a "Final Non confirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.
3. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.
4. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or 39 any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.
5. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov

<https://www.ojp.gov/funding/explore/legaloverview2022/mandatorytermsconditions#employment-eligibility-verification-for-hiring-under-the-award>

Best Practices for this Federal Requirement

1. Establish written agency policies and procedures that ensure the hiring process for any position funded in whole or in part with the awards funds properly verifies employment eligibility consistent with the provisions of 8 U.S.C, 1324a(a)(1) and (2).
2. Check employment eligibility as part of all hiring for all positions that are or will be supported by an NCA award (either in whole or in part). This can be completed in two ways:
 - a. I-9 Form

- i. Agencies that currently check employees' employment eligibility with the [I-9 form](#) can continue to do so, if they choose, and be compliance with the Employment Eligibility Verification requirement.
 - ii. Guidance for how to complete the I-9 form can be found here: <https://www.uscis.gov/i-9-central/handbook-employers-m-274>
 - b. E-verify.gov:
 - i. Agencies can choose to use E-verify.gov to check employees' employment eligibility. Use of E-Verify is not required.
 - ii. Guidance on how to use the website can be found here: <https://www.e-verify.gov/employers>
 - iii. Agencies that choose to use E-verify.gov for employee employment eligibility verification have six months to input all current employees in the system.
3. Maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with I-9 record retention requirements, as well as records of all pertinent notifications and trainings.
4. Notify all persons involved in activities under the award of this special condition and the employment eligibility provisions of 8 U.S.C. 1324(a)(1) and (2) and provide any training necessary.