



NCIS Protocol From Monty & Ramirez

New Confessed Identity Scenarios

What should a company do when employee “Juan” comes in one day and provides a new social security card and driver’s license indicating that he is actually “Carlos?” The NCIS protocol from Monty & Ramirez LLP provides employers with a simple, responsive and compliant way to address this ever-increasing scenario in today’s workforce.

01

STEP 1: Evaluate your company policies addressing false information on job applications, employee dishonesty and fraud. Make sure that your policies provide for flexibility with regards to the appropriate remedial measures. [We advise against a one-strike policy in favor of one that empowers management to evaluate each scenario.] *Note: In California, an employer cannot terminate an employee for attempting to update his or her I-9.*

02

STEP 2: Prepare and complete a new Form I-9 in the same manner as any new hire. However, this is not considered a new hire. Make sure you use the employee’s original date of hire noted on the previous I-9. Retain the previously completed I-9 and keep with the newly completed I-9.

03

STEP 3: Document the reason for the newly confessed identity scenario (i.e. obtained work authorization through DACA). Call Monty & Ramirez LLP for a sample documentation template for HR professionals faced with this situation.

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STEP 4: Notify the employee that he or she is responsible for ensuring compliance with applicable tax regulations.

Contact Us

If you have any questions, feel free to call or email Monty & Ramirez LLP. We are happy to assist you. At Monty & Ramirez, **we know what works.**®

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