

# What's the Hire Date for E-Verify?

We understand that determining the hire date for E-Verify isn't always clear and simple. With the addition of the [three-day rule screen](#) in the redesigned E-Verify, we've received lots of questions about what to select for the E-Verify hire date.

## Completing Form I-9 and E-Verify:

While there is much overlap between [Form I-9, Employment Eligibility Verification](#), and E-Verify requirements, this page addresses the three-day rule as it applies to E-Verify. For more information on Form I-9, consult the [M-274, Handbook for Employers](#).

Completing Form I-9 and E-Verify		
To comply with the law	Complete Form I-9	Create a Case in E-Verify
The earliest you may:	<ul style="list-style-type: none"> <li>The employee has accepted an offer of employment</li> </ul>	<ul style="list-style-type: none"> <li>The employee has accepted an offer of employment; and</li> <li>Form I-9 is complete</li> </ul>
The latest you may:	<ul style="list-style-type: none"> <li>The third business day after the employee started work for pay</li> </ul>	<ul style="list-style-type: none"> <li>The third business day after the employee started work for pay; and</li> <li>Form I-9 is complete</li> </ul>

If the employee starts work for pay on Monday, the third business day after the employee started work for pay is Thursday (assuming all days were business days for the employer). The first day the employee starts work for pay is not included in the three business day calculation.

## Determining the E-Verify Hire Date:

We realize the term "hire date" in E-Verify is confusing because its meaning can vary depending on:

- When the employee starts work for pay
- The date the case is created in E-Verify

Determining the E-Verify Hire Date	
If you create the case in E-Verify:	Then the E-Verify hire date is:
Before the employee starts work for pay	The date you create the case in E-Verify
On or after the employee starts work for pay	The date the employee started work for pay

E-Verify does not allow you to select a future date as the hire date so if the employee has not yet started work for pay, the E-Verify hire date is always the date you create the

case in E-Verify. The reason for this is because the three-day rule for E-Verify purposes is associated with the date the employee starts work for pay. An E-Verify case is not late as long as it is created no later than the third business day after the employee started work for pay—it doesn't matter how many days have passed between the employee completing Form I-9 and the employer creating the case in E-Verify.

If you're a federal contractor with the FAR E-Verify clause and you're creating a case for an existing employee, the hire date is always the date the employee first started work for pay. It doesn't matter if the employee completes a new Form I-9 —the hire date is always the Section 2 certification date of the original Form I-9.

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