

Check job prospects' I-9s if you're hiring

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Looking at **Orange Tree** Hot Dogs' growth, one would never know there was a recession going on. The restaurant chain is steadily opening new franchises with plans to open five new stores each year.

It has 14 stores; the most recent store opened in Gainesville Feb. 1. In Jacksonville, it has nine franchise stores and three corporately owned stores.

Each store employs at least 12 people. Because the franchisees are hiring so many new employees so quickly, Orange Tree has made human resources training and compliance a key component of its comprehensive franchisee training program, right up there with daily operations and marketing. The idea is to make sure that new franchise owners don't have to worry about making HR mistakes and can instead focus on making hot dogs.

"It is part of our operations manual, the different federal and state requirements they must meet for hiring," said Shawn Emling, director of franchising with Orange Tree Hot Dogs. "That is part of our training at the corporate level. It's four weeks. We are very involved. We are in the shadows waiting to assist them in selecting the right employees" and making sure they are in compliance once they are hired.

This is especially helpful when it comes to I-9s, the forms employers must use to verify whether new employees are eligible to work in this country. Employees provide their employer with documentation that proves who they are and that they are legally authorized to work in the United States.

Businesses that haven't already should conduct an I-9 audit to make sure employees hired after Nov. 6, 1986, have a valid I-9 form on file and that new employees have an I-9 on file within three days of their date of hire.

"You don't have to go through the process every year, but you do have to make sure they have a legal right to work in the country and that the I-9 is filled out completely," said Bob McKenzie, president of **McKenzieHR**. "Ninety-nine percent of the ones we see aren't. Unfortunately, a lot of them don't know there is such a thing as an I-9 form."

The I-9 audit can be handled internally if the business owner knows what he or she is looking for. Otherwise, it is more cost-effective to seek outside help from an HR expert or legal counsel. This is especially true as simple, common mistakes can be costly.

Common problems include failure to sign and failure to date the document, said Giselle Carson, a shareholder with Marks Gray PA in Jacksonville. "There is a section for certification where the employer attests that they reviewed the document and the person began employment on such and such dates. That's [often] left blank. If you have an I-9 that is not signed or the certification date is blank, those are not terrible errors.

“The employer gets a list of problems [from the government] and if they don’t fix them in 10 days, they could be penalized. That could be \$200 per problem. If you have three, that’s \$600 on one form. It adds up.

“Pay someone to come in and guide you. It’s worth spending the money to do it right.

“The other problems are substantive problems. The person wasn’t re-verified. The employee is working with an expired work authorization. You don’t get 10 days for those. You get penalized right away.”

Carson said too many businesses are not proactive about this issue. “With the small businesses, I find, their resources are scarce. If it’s not a burning issue, they don’t pay attention to it. I get involved with the small businesses when they get [notified by] the **Department of Labor**.

“There are things that can be done to avoid the stress and the man-hours and the penalties if they do an audit and learn what to do to fill out the I-9 forms” correctly in the future.

“As we move into 2010, the word to remember is compliance. The economy is down. There is increased unemployment. The belief is the employment opportunities are being taken by unauthorized workers. To combat that, government has scaled up enforcement and the number of investigations.”

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