



BALLARD SPAHR ANDREWS & INGERSOLL, LLP

MEMORANDUM

From: Julie A. Pace
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Re: Procedures & Processes for Receptionists to Respond to Government Agency Visits and Calls Regarding Social Security Number Mismatches

A. **Calls or Visits from Non-Governmental Third Parties (Parents or Others) Informing Company that an Employee is Using Someone-Else's SSN.** If an individual calls or comes to the Company's office and says, "An employee of your company is using my child's social security number," or "An employee of your company is using my social security number," stay calm and polite. People are often upset, accuse the Company of hiring undocumented workers, and threaten to contact the police or Immigration and Customs Enforcement:

1. Stay calm and politely state:

Thank you for bringing this matter to the Company's attention. Let me get some contact information from you so that I can have someone follow up directly with you.

2. Ask for the following information:

- a. The caller's name, including spelling;
- b. The caller's address;
- c. The caller's phone number;
- d. The caller's e-mail or fax number;
- e. If the caller said that someone was using a child's social security number (or someone's other than the caller), ask for the name of the child, including spelling; and
- f. The social security number at issue.

3. Never provide personnel information over the phone. Refer inquires to your supervisor, Human Resources, the General Manager, or the Company's lawyer.

4. If the caller requests information from you, you may tell the caller:

I am not the person to handle your request. I will pass on your information and someone will be communicating with you.

- B. **Calls or Visits from Government Officials:** If a government officer (ICE, OSHA, Police, Border Patrol, Department of Economic Security, etc.) calls or comes to the office and requests information on the Company or a Company employee, DO NOT ask if the officer has a subpoena or search warrant:

1. Direct the officer to the supervisor, on-site manager, or Company's attorney and allow that person to deal with the officer directly. Politely state:

I am sure that the Company will cooperate. However, I am not the person to handle your request. Let me get my supervisor.

2. If there is no supervisor available or the officer will not wait to allow you to get a supervisor, the supervisor or you could follow the steps outlined below:

3. Restate:

I am sure the Company will cooperate. However, I am not the person to handle your request. Let me get some information from you and get the person who should handle this for you.

4. Ask the officer his or her name (or look for his name badge on his shirt, if any);

5. Ask the officer what agency/department he or she is with (local police, sheriff, DPS, ICE, Border Patrol, Dept. of Economic Security, etc.) or look for any insignia on uniform, etc.

6. Ask for a business card. If the officer does not have one, write down the information that he or she provides, such as name, agency, badge number, etc.;

7. If the officer is in "plain clothes" ask if you could see his official identification (to ferret out imposters or bounty hunters, etc.);

8. Try to determine why the officer is there, what he or she wants, and if he or she is looking for someone in particular. If the officer requests information about a specific individual, tell the officer that you are not authorized to provide that information, but you are happy to contact someone who can handle the request.

9. If the officer states that he has a subpoena or warrant, ask for a copy so that you may review it and also consider sending it to the Company's lawyer to review;

10. Contact the Company's designated contact person _____ immediately so that they may communicate with the officer directly by cell phone or in person.

- C. **ICE: 3 Day Notice for Documents.** If ICE shows up to review I-9's, they are supposed to provide a three day written notice. Do not waive the three days. Do not voluntarily give ICE anything. Tell the ICE officer:

I am not the person to handle this request. Let me get someone for you.

Contact the Company's designated contact person _____ immediately so that they may communicate with the officer directly by cell phone.

- D. **If Agent Has Warrant for the Arrest of an Individual:** If the agent has a warrant for an employee's arrest, do NOT interfere with the officer, or you may be arrested for obstruction, etc. Allow the police to arrest the employee, but notify the Company's designated contact person _____ immediately so they can handle the incident.

- E. **If Agent Has Search Warrant or Subpoena for Records:** If a government officer has a search warrant or subpoena for records, contact your supervisor and the Company's designated contact person _____ immediately. Tell the officer:

I am sure that the Company will cooperate. However, I am not the person to handle your request. Let me get my supervisor.

A supervisor or manager should:

1. Ask for and KEEP a copy of the search warrant or subpoena;
2. Comply with the warrant or subpoena;
3. Attempt to maintain a list or log of documents, records or other things taken away by law enforcement;
4. If asked by law enforcement if they may take certain documents, records or other things, reply as follows, "only if it is covered by the search warrant." Refrain from providing consent to the removal of documents, records or things not covered in the search warrant.
5. Do not argue, resist or get into a confrontation with law enforcement.
6. Contact the Company's designated contact person _____ immediately so that they may communicate with the officer directly in person or by phone.

F. **If Agent Requests SSNs, I-9 forms, or Documents:** If law enforcement requests the names and Social Security Numbers of employees, requests copies of Company or employee records or files, or requests to review their I-9 forms, you should:

1. Politely state:

I am not the individual authorized to handle such a request, but I would be willing to contact my supervisor. Let me get some information from you and get the person who should handle this.

Then follow the steps outlined in Section B above.

2. Resist pressure from the agent to consent to provide documents or records even if they threaten to return with a search warrant or subpoena. Tell the agent that you do not have authority to provide the documents, but that you believe the company will cooperate and you will get the appropriate person who can communicate with them.

3. Contact the Company's designated contact person _____ immediately so that they may communicate with the officer directly in person or by phone.