



Revision Date: 09/01/14
Expiration Date: 10/01/17

Colorado Affirmation Form Instructions Employment Verification Law, § 8-2-122, C.R.S.

Overview of the Colorado Employment Verification Law

The employment verification law applies to all public and private employers in Colorado, and is in addition to separate federal Form I-9 requirements. Employers must comply with the provisions of the law for all Colorado employees hired on or after January 1, 2007. There are two main requirements, both of which must occur within 20 calendar days of hire: (1) an affirmation requirement, and (2) a requirement to make and retain copies of employee identity and employment authorization documentation (copies of the employee's identity and employment authorization documents which were presented for completion of the Form I-9). Visit www.colorado.gov/cdle/evr for more information.

Completion of the Affirmation Form

1. The attached affirmation form is designed for use by Colorado employers. By signing the form, the employer affirms to all four of the employment eligibility components for the employee listed.
2. The employer must have completed an affirmation form for all Colorado employees hired on or after January 1, 2007.
3. Effective October 1, 2014, Colorado employers must use the Division affirmation form with a revision date of 09/01/14.
 - a. The 09/01/14 version of the form must be used for all Colorado employees hired between October 1, 2014 and October 1, 2017.
 - b. The 09/01/14 version of the form cannot be used for Colorado employees hired prior to September 1, 2014.
4. The form must be completed within 20 calendar days after hiring each employee. Review the information below if you have not adhered to this requirement.
5. The employer, not the employee, is responsible for filling out and completing the form in a timely fashion. The form may be completed by the employer's designee or representative.
6. The following items on the form must be legibly completed by the employer. The employer may not leave any of these items blank or incomplete:
 - a. Employee name and date of hire (Month/Day/Year).
 - b. Employer name, signature, and date of employer signature (Month/Day/Year).

Retention of the Affirmation Form

Forms must be retained by the employer for the duration of the employee's employment. The employer must produce copies of the form to the Colorado Division of Labor upon request, but does not have to submit forms absent a request.

Failure to Properly Complete the Affirmation Form or Work Eligibility Documentation Requirements

The employer must provide accurate and complete information on the form. Provision of false or fraudulent information on the form may subject the employer to a significant fine and/or additional penalties.

If the employer has not properly completed the affirmation form within 20 calendar days of hiring the employee, or the employer has not made and retained copies of employee identity and employment authorization documentation within 20 calendar days of hiring the employee:

1. DO NOT complete an affirmation form for the affected employee(s). The employer cannot complete a valid form once the 20 calendar days have elapsed since hire.
2. DO NOT backdate or otherwise enter incorrect information onto the form for the affected employee(s). The employer must not enter false or fraudulent information onto the form.
3. DO NOT attempt to make and retain copies of employee identity and employment authorization documentation if you did not comply with this requirement within 20 calendar days of hiring the employee. Seeking such documentation after the 20 calendar days have elapsed does not comply with Colorado law, and may also violate separate federal immigration laws.

DO comply with the employment verification law for all new hires going forward. The employer must: (1) properly complete affirmations, and (2) make and retain copies of employee identity and employment authorization documentation, within 20 calendar days of hire for all employees hired after the discovery of the historical noncompliance.

Following the steps above, and engaging in other appropriate compliance actions, may reduce the likelihood of a fine, or may mitigate the value of a fine, depending upon the circumstances. Consult with an attorney for legal advice.