



Question #1

We may have a weird situation (although probably not all that uncommon). A few months back an employee got injured (off the job) and required a medical leave and then work modification. In the course of completing that paperwork it came to our attention that the employee was using a false name and social security number. When confronted he admitted this and refused to give us proper documentation and thus was terminated for falsifying his employment records and his application.

Now, a few months later, there is talk that a few more employees may have alternative social security numbers than those provided upon hire. Assuming they are willing to provide us with the correct and current information, what is the proper policy here?

We think the best course of action would be to fire and rehire them under the correct documents but I am not sure what our liability there is or what to do about the fact that we have in some cases possibly 5-10 years of employment records and payroll taxes using a different social security number.

Answer

Below is an email communication that was sent by one of our HR Professionals to address the question:

This email is in response to your email and confirms our conversation today where we discussed employees inquiring about providing updated social security numbers.

During our call, you indicated they haven't admitted to anything and are simply inquiring with "what ifs." We discussed that you could ask the employees why they are asking this question. Regardless, it seems to be in everyone's best interest to get this corrected as soon as possible. Provided the employees are able to confirm they are currently authorized to work, we discussed documenting the conversation, then proceeding to update your records, including the I-9 and anything else with the employee's SSN.

You also asked how to handle tax reporting since these employees have been employed for several years. Below are some links to the SSA's and IRS's resources on the topic. If you require further clarification, we would recommend consulting your tax specialist.

- <https://www.ssa.gov/employer/w2cinfo.htm>
- <https://www.irs.gov/pub/irs-pdf/iw2w3.pdf#page=20> (see page 24)

If the SSA issues your employee a replacement card after a name change, or a new card with a different social security number after a change in alien work status, file a Form W-2c to correct the name/SSN reported on the most recently filed Form W-2. It is not necessary to correct the prior years if the previous name and number were used for the years prior to the most recently filed Form W-2.

If you have any further questions or concerns, please feel free to contact me directly.

Question #2

I have a salaried employee who has taken an excessive number of full days off. To date (3/10/2017), he has taken 8 full days off. Can we tell him any more personal full days off taken now to June 30, 2017 will be without pay?

Answer

Below is an email communication that was sent by one of our HR Professionals to address the question:

This email confirms our conversation today where we discussed PTO for exempt employees, mentioned in your email below.

During our call, you indicated you do not address PTO for exempt employees in your PTO policy. We discussed updating your policy to reflect how you have been administering this benefit, which is that it is available for use at the beginning of the year. In previous years, you continued to pay employees for their time off, even if they exhausted their PTO. We discussed that this is not required and you may change it going forward by immediately updating your policy. I have attached a sample vacation policy you may modify and use.

As far as your employee that has already used 8 out of his 10 allotted days, we would not recommend prohibiting his use of his remaining 2 days. Instead, update your policy as mentioned above. When he has exhausted his time off you may remind him of your revised policy and remind him that any further full-day absence will be unpaid. I have also attached our summary on proper deductions from exempt employee pay for your review.

If you have any further questions or concerns, please feel free to contact me directly.