ALMA E. ANAYA
COOK COUNTY COMMISSIONER
7TH DISTRICT

County Building
118 North Clark, Room 567
Chicago, Illinois 60602
(T) 312-603-5443

District Office
4374 S. Archer Ave.
Chicago, Illinois 60632
(T) 773-376-2700

Re: Social Security Administration's Educational Correspondence (EDCOR)/Employer Correction Request ("no-match") Letters

Dear Employer:

As a valued member of the 7th Cook County District, we appreciate the role your business plays in the vitality of this community. We are writing now in order to provide information about communications many of our business partners have received recently or may receive in the near future from the Social Security Administration ("SSA"), the Educational Correspondence (EDCOR)/Employer Correction Request ("no-match") letters. We want to make sure businesses in our community are aware of what this communication means and, equally importantly, what it does not mean. The SSA has resumed the practice this year of mailing so called "no-match" letters to employers where there is a mismatch between the social security numbers and the name associated with that number with the goal of improving the accuracy of wage reporting information. The purpose of these letters is to ensure that employees receive social security benefits they are entitled to receive.

First, it is important to know that these letters cannot and should not be used as the basis to make a determination about an employee's immigration status. The SSA has acknowledged that errors in its database could be the result of any number of reasons such as typographical errors, name changes or hyphenated names.

In fact, misusing an employment verification system may expose your company liability under Illinois Right to Privacy in the Workplace Act, 820 ILCS 55/1, *et seq*., and Section 2-102, ¶(G)(2) of the Human Rights Act, 775 ILCS 5/2-102, which prohibit employers from misusing employment eligibility verification systems. Further, singling out an employee or group of employees and placing additional burdens on that group based upon their race or national origin, such as requiring re-verification for eligibility for employment in the U.S. could violate Title VII of the Civil Rights Act and the Illinois Human Rights Act.

Second, the so-called "no-match" communication from the SSA has created some confusion. The letters imply that employers must take action and file corrected tax forms within a certain time frame. However, in a June 3, 2019 correspondence to members of Congress, the Acting Commissioner of the SSA, Nancy A. Berryhill, confirmed that the letters ***do not*** require any action be taken by your company. Further, Acting Director Berryhill affirmatively stated that: "[the SSA will not] take any action, nor are there any SSA-related consequences, for employers' non-compliance with [the SSA's] letters." A copy of the letter sent to Congressman Costa by Acting Director Berryhill is attached to this communication for your benefit. As the SSA has affirmed, these are simply educational letters intended to improve the accuracy of wage reporting in order to connect employees with their benefits.

Please feel free to contact our office should you have any questions or wish to discuss this further.

Sincerely,

Alma E. Anaya,
Cook County Commissioner, 7th District

IMPORTANT: The Educational Correspondence (EDCOR)/Employer Correction Request ("no-match") Letters does not imply that your employee intentionally gave the government wrong information about the employee's name or SSN. That letter does not address your employee's work authorization or immigration status.

You should not use the SSA letter to take any adverse action against an employee such as laying off, suspending, firing, or discrimination against that individual, just because his or her SSN or name does not match our records. Any of those actions could, in fact, violate State or Federal law and subject you to legal consequences.