

Chapter 5 Hiring Process

5.04 I-9 Verification of Identity and Employment Authorization

- **Law and Policy**

The federal Immigration Reform and Control Act of 1986 requires employers to verify **ALL** new employees' identity and eligibility to work on the federal I-9 form (see Appendix 5-N or the website <http://www.ins.usdoj.gov/graphics/formsfee/forms/i-9.htm>). Section 1 of the form I-9 must be completed and returned to the department on or before the date of hire, and the required documents must be presented by the third day of employment. The Immigration Reform and Control Act of 1986 prohibit the University from continuing to employ an individual who has not provided the required documents within three days or who is not authorized to work. Failure to comply with the I-9 requirements is punishable by fine or, in extreme cases, as a criminal violation. It is University policy to comply fully with the federal law regarding I-9s.

- **Procedures**

I-9s should be included with all letters of appointment. For titles that do not require a letter of offer, the I-9 form should be given to the employee on his/her first day of employment.

Departments must ensure that Section 1 of the form I-9 is completed and returned to the department on or before the date of hire and that documents are presented and Section 2 is completed by the third day of employment. If the length of employment is fewer than three days, the I-9 must be completed on the first day of employment. The attachment to the I-9 form describes the documents that the employee may present to verify identity and work eligibility. Departments cannot tell an employee which one to provide; that is completely up to the employee.

In lieu of original documents, employees may present a receipt from a government agency for a lost, destroyed or stolen document, which indicates that the documentation has been requested (e.g., a receipt indicating that the employee has requested a copy of his birth certificate or social security card replacement). With the receipt, the employee may be given 90 days from the first day of employment to present the original documentation.

If an employee does not produce the required original documentation or receipt within the three days, the employee must be taken off of the payroll immediately, and departments should consult with the Dean's/Director's office to determine how to proceed.

Departments should photocopy documents presented by all classified employees (permanent, project and LTE hires) and retain them attached to the I-9 in the department.

If the work authorization has an expiration date, the employee must be reverified on or before the expiration date. The employee must be notified of the need to reverify employment authorization at least 90 days in advance of the expiration date.

Contact the Classified Personnel Office at 262-3233 for further clarification.