

Title/Subject: **EMPLOYMENT ELIGIBILITY VERIFICATION (I-9 FORM)**

Applies to: faculty staff students student employees visitors contractors

Effective Date of This Revision: October, 2013

Contact for More Information: Faculty Personnel Services, Human Resources, Student Employment

Board Policy Administrative Policy Procedure Guideline

BACKGROUND:

The Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603, requires employers to verify the identity and employment eligibility of every employee hired to work in the United States after November 6, 1986.

The IRCA also requires that all U.S. employers are responsible for the completion and retention of Form I-9 (hereafter “the I-9 Form”) for each employee, whether or not the employee is a citizen of the United States. The I-9 Form contains a list of documents acceptable to establish an employee’s employment eligibility and identity.

PURPOSE:

The purpose of this policy and associated procedure is to ensure that Central Michigan University is in compliance with The Immigration Reform and Control Act of 1986 (IRCA). Non-compliance can have serious negative consequences. Failure to complete, retain, and/or make available for inspection the I-9 Form, as required by law, may result in a civil monetary penalty of not less than \$110 and not more than \$1,100 for each employee for whom the I-9 Form was not properly completed, retained, and/or made available.

POLICY:

It is the policy of Central Michigan University to comply with the provisions of the Immigration Reform and Control Act of 1986 and employ only those individuals who have established their identity and appropriate authorization to work in the United States. All job offers are contingent upon the prospective employee’s ability to produce the required documents for identity and work authorization. All new employees (hired after November 6, 1986) must prove their eligibility to work in the United States by completing a federal Employment Eligibility Verification Form (I-9 Form). **New employees must complete and sign Section 1 of the Employment Eligibility Verification Form (I-9 Form) on or before the first day of employment (but no earlier than acceptance of the job offer.)**

Supervisors are responsible for ensuring that all new employees report to the appropriate employment office (Faculty Personnel Services, Human Resources, or Student Employment Services) on or before the first day of employment to complete Section 1 of the I-9 Form. All new off-campus faculty and staff are required to report to the appropriate center representative for CMU Innovation and Online to complete the I-9 Form on or before the first day of employment. The employment offices (Faculty Personnel Services, Human Resources, and Student Employment Services) are responsible for complying with the record keeping requirements, including re-verification of the I-9 Form, when applicable.

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PROCEDURE:

I. New Employee Must Report to the Appropriate Employment Office

On or before their first day of employment, all new employees of the University are **required** to present to the appropriate employment office **original** documentation to establish their true identity and eligibility to be employed in the United States:

- All new on-campus faculty and graduate assistants are required to report to Faculty Personnel Services, WA 308, to complete the I-9 Form.
- All new on-campus staff are required to report to Human Resources, RW 109, to complete the I-9 Form.
- All new on-campus student employees are required to report to Student Employment Services, Bovee UC 206, to complete the I-9 Form.
- All new off-campus faculty and staff are required to report to the appropriate center representative for CMU Innovation and Online to complete the I-9 Form.

II. Completion of the Employment Eligibility Verification Form (I-9 Form)

Section 1

- New employees must complete and sign Section 1 of the Employment Eligibility Verification Form (I-9 Form) on or before the first day of employment (but no earlier than acceptance of the job offer.)
- If employees cannot complete Section 1 by themselves or if they need the form translated, someone may assist them. The preparer or translator must read the Form to the employee, may assist in completing Section 1, and may help the employee sign or mark the Form in the appropriate place. The preparer or translator must then complete the Preparer/Translator Certification block on the I-9 Form.
- Personnel in the appropriate employment office are responsible for reviewing and ensuring that employees fully and properly complete section 1. The U.S. Social Security Number, E-mail Address, and Telephone Number on the I-9 Form are optional. An employee may choose to complete these fields with "N/A." (However, we need to see all Social Security cards for payroll purposes.)

Section 2

- Employees must establish their identity and eligibility to work in the United States by presenting documents as described on the I-9 Form (see List A, List B and List C) of the Lists of Acceptable Documents).
- Personnel in the appropriate employment office will examine the document(s) provided by the employee, and record the title, number, and expiration date, if any, of the document(s) shown. The examiner of the documents and the employee must both be physically present during the examination of the documents. The examiner must also be the person who signs and dates Section 2 of the I-9 Form.
- Documents which reasonably appear to be genuine and relate to the person presenting them must be accepted. This includes documents with a different name than the name entered in Section 1 provided the examiner is reasonably sure the name on the document and the name in Section 1 refer to the same employee.
- The employment office may not specify which documents an employee must present.

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III. Timeliness

- Section 1 of the I-9 Form must be completed by the employee on or before the first day of work (but not before the employee has accepted a job offer).
- Section 2 of the I-9 Form must be completed within 3 business days of the date employment begins.
- If employees are unable to present original document(s) within 3 business days of the date employment begins, they must present a receipt for the application of the document(s) within the 3 business days to personnel in the appropriate employment office. The employees must have indicated, by checking an appropriate box in Section 1, that he/she is eligible to be employed in the United States. When the new employee has provided a receipt showing that he/she has applied for a document evidencing that eligibility, a record of the document title shall be made by employment office personnel in Section 2 of the I-9 Form and with the word "receipt" and any document number recorded in the "Document #" space provided. The employee must present the actual document within 90 days of the date employment begins. At that time, employment office personnel must cross out the word "receipt" and any accompanying document number, and insert the number from the actual document presented, and initial and date the change.
- If the employee is hired for less than 3 business days, both Section 1 and Section 2 must be completed at the time of hire.

IV. Record Retention

- The appropriate employment office will retain the I-9 Form for each employee for 1 year after the person's employment is terminated or 3 years after the date employment begins, whichever is later.
- An employee's I-9 Form must be kept in a file separate from their personnel file.

V. Re-verifying Employment Authorization

Current Employees

- For employees authorized to work for a specific time period, employment eligibility (that has expired) must be re-verified by employment office personnel. Employment office personnel must complete Section 3 of the I-9 Form or, if Section 3 has already been used for a previous re-verification or update, must use a new I-9 Form. If a new form is used, the employee's name shall be written in Section 1, and Section 3 completed. The new Form shall be retained with the original. The employee must present a document that shows either an extension of the employee's initial employment authorization or new work authorization. If the employee cannot provide proof of current work authorization, Central Michigan University cannot continue to employ the individual.
- To maintain continuous employment eligibility, an employee with temporary work authorization should apply for new work authorization at least 90 days before the current expiration date.
- Staff must re-verify the I-9 Form no later than the date the employee's work authorization expires.

Re-hired Employees

- If a previous employee is re-hired, CMU must ensure that he or she is still authorized to work.
- The I-9 Form must be completed for employees who may not have completed the I-9 Form in the past because they were originally hired prior to November 6, 1986.
- If an employee is rehired within three (3) years of the date the I-9 Form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on the I-9 Form, the employee does not have to complete a new I-9 Form.
- If an employee is rehired within three (3) years of the date the I-9 Form was originally completed and the employee's work authorization has expired, Section 3 must be completed and signed.

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VI. Employing Minors

- If a minor (a person under the age of 18) cannot present a List A document or an identity document from List B, the I-9 Form should be completed in the following way: A parent or legal guardian must complete Section 1 and write “Individual under age 18” in the space for the employee’s signature; the parent or legal guardian must complete the “Preparer/Translator Certification” block; write “Individual under age 18” in Section 2, List B, in the space after the words “Document #; and the minor must present a List C document showing his or her employment eligibility. Record the required information in Section 2.

*Central Michigan University reserves the right to make exceptions, modify or eliminate this policy.
This document supersedes all previous policies, procedures and directives relative to this subject.
Please refer questions or concerns to the Originating Department.*