I-9 EMPLOYMENT ELIGIBILITY VERIFICATION

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A **Form I-9, Employment Eligibility Verification** (Attachment 1) must be completed and retained for every employee hired after November 6, 1986. Stiff penalties are imposed upon employers who fail to comply with the laws’ requirements. These laws are enforced and investigated by the U. S. Citizenship and Immigration Services (USCIS), the largest investigative arm of the Department of Homeland Security (DHS). Employers may be fined if the form is not complete.

The U. S. Citizenship and Immigration Services (USCIS) have recently revised the **I-9** (Attachment 1). The revised form (Rev. 03/08/2013) with an expiration date of 03/31/2016 and updated list of acceptable documents must be used and any previous additions completed and sent to Human Resources will not be accepted and will be returned to the sender.

1. **E-Verify**

Beginning June 1, 2011, Radford University began E-Verify for all new hires and rehires. E-Verify confirms that new employees are eligible to work in the U. S. E-Verify does not replace the I-9 process but provides an extra layer of security for employers to ensure they maintain a legal workforce. E-Verify will be keyed by Human Resources staff after receipt of an I-9 on all new hires for full and part-time classified, A/P faculty, teaching faculty, adjunct faculty, wage and temporary positions. Work Study/Work Scholarship hires will be keyed by Financial Aid staff and Graduate Assistants hires will be keyed by Graduate College staff as these departments are currently responsible for maintaining I-9s separately from Human Resources on these types of hires.

2. **Persons Hired Using a Hiring Proposal or PR-40**

When a decision to hire an individual is made, the hiring department submits a **Hiring Proposal or PR-40 Personnel Action Request** to hire an employee through the appropriate signature process. Once the approved **Hiring Proposal or PR-40** is received in Human Resources, the hiring department is notified of the approval and the department may issue an offer letter. Along with the offer letter, the prospective employee should be sent an **I-9** (Attachment 1) and asked to complete **Section 1** (Attachment 2) and return it along with the offer letter on or before the first day of employment. Failure of the new employee to complete **Section 1** (Attachment 2) of the **I-9** (Attachment 1) on or before the first day of employment will result in an adjustment of the begin date. Employees should also be informed that **Section 2** (Attachment 3) of the form and the required supporting documentation that establishes identity and eligibility to work must be completed within three days of their start date or else they may be terminated.
New employees will not be approved to start work until Human Resources receives the I-9 (Attachment 1) with at least Section 1 (Attachment 2) completed and signed by the employee. Departments will not be allowed to start anyone until they have been given approval from Human Resources that a person may begin work. If Section 2 (Attachment 3) along with copies of the List A, B, or C documents (Attachment 4) that the employee presents is not completed and delivered to Human Resources by the new employee’s third day of work, the employee will be terminated.

It is in everyone’s best interest to return a fully completed (Sections 1 and 2) I-9 (Attachment 1) along with copies of the List A, B, or C documents (Attachment 4) that the employee presents with all signatures to Human Resources on or before the employee’s first day of work.

3. Instructions for Completion of the I-9 Form

A. Completion of Section 1

The hiring department is responsible for ensuring that Section 1 (Attachment 2) of the I-9 (Attachment 1) is properly completed, signed and dated on the employee’s start date. Section 1 (Attachment 2) of the I-9 (Attachment 1) elicits the employee’s name (family, given and middle initial), other names used (if any), address (street number and name), date of birth, Social Security number (must be included since the university participates in E-Verify), E-mail address (optional), telephone number (optional), and citizenship/immigration status including, if applicable, the alien authorized to work expiration date, Alien Registration Number/USCIS Number or Form I-94 Admission number. The employee must sign and date the I-9 (Attachment 1) and must also attest to a status. If the employee fails to sign or date the form, or fails to attest to a status, the employer may be fined by USCIS. Therefore it is vital that the employer ensures that the employee has properly completed Section 1 (Attachment 2) of the I-9 (Attachment 1) form.

If the employee needs assistance in completing the I-9 (Attachment 1) form or needs a translator, someone may assist the employee, but the employee must sign the form in the appropriate section. The person assisting the employee must fill out the block marked Preparer/Translator Certification including signature of preparer or translator, date, last (family) name, first (given) name, and address. If you add or revise anything in Section 1 (Attachment 2) of the form, complete the Preparer/Translator Certification.

If any changes need to be made in Section 1 (Attachment 2), only the employee may make them. If a mistake is made, have the employee line through the mistaken section of the form, enter the correct information, then initial and date the correction. White-Out, correction tape, etc. should not be used to correct mistakes.
B. Completion of Section 2

If the employee indicates in Section 1 (Attachment 2) that s/he is not a U.S. citizen, s/he must be referred to the Tax Compliance Manager to complete Section 2 (Attachment 3) of the I-9 (Attachment 1).

The hiring department may complete Section 2 (Attachment 3) if the employee is a U.S. Citizen and deliver the completed form along with copies of the List A, B, or C documents (Attachment 4) that the employee presents to Human Resources within 3 business days of the employee’s first day of employment. **If the employee presents a List B document that shows identity, the document must contain a photo.** The hiring department also has the option of sending the employee to Human Resources for completion of Section 2 (Attachment 3) by the close of business on the employee’s third day of work. Please remember, that until the completed I-9 (Attachment 1) form along with copies of the List A, B, or C documents (Attachment 4) that the employee presents is received in Human Resources, the Hiring Proposal or PR-40 will not be processed and the employee will not be added to the university payroll.

If the employee is unable to present the required supporting documentation within 3 days of his/her first day of employment, s/he will be terminated and not allowed to work additional days. If the employee indicates s/he is authorized to work, but is unable to present the required documents(s) within 3 business days of his/her first day of employment, s/he may present a receipt for the application of the document(s). With the receipt, the employee has 90 days from his/her first day of employment to present the actual document(s). If the employee does not present the actual document within 90 days, s/he will be terminated and not allowed to work additional days.

The employee must present original document(s) within 3 business days of his/her first day of employment. **For example, if the employee’s hire date is Monday, Section 2 must be completed by Thursday.** Some documents establish both identity and employment eligibility (List A on the I-9). Other documents establish identity only (List B on the I-9) or employment eligibility only (List C on the I-9). The employee may choose which document(s) s/he wishes to present from the List of Acceptable Documents (Attachment 4) found on the back of the I-9 (Attachment 1). The employer must accept any unexpired document or combination of documents listed on the back of the I-9 (Attachment 1) which reasonably appears to be genuine and to relate to the person presenting them. **If the employee presents a List B document that shows identity, the document must contain a photo.** The employer may not specify which of the acceptable document(s) may be required of an employee and may only accept the documents listed on the back of the I-9 (Attachment 1).

If documentation under List A is used, do not ask for any additional documentation. If documentation under List B and C are used, ensure that there is only one document examined from each list. Do not accept two documents from List B or two from List C. Please see **Lists of Acceptable Documents** (Attachment 4).
In order to complete Section 2 (Attachment 3) of the I-9 (Attachment 1), the original document(s) submitted by the employee must be examined. If the document(s) are unexpired and reasonably appear to be genuine, the document title, issuing authority, document number and expiration date (if any) should be recorded in the corresponding sections under List A, or B and C. List A has more than one section for document numbers and expiration dates. Only one section should normally be completed. The additional sections are for containing endorsement on an individual’s nonimmigrant status which should only be completed by the Tax Compliance Manager. After examining the document(s) and completing the information under the correct list(s), the hiring department or human resources representative should indicate the actual employee’s first day of employment, sign, date, indicate their job title, print their last (family) name, first (given) name, and complete the main address for Radford University (801 Main Street, Radford, VA 24141). I-9’s obtained from the Human Resources Office website will have the address pre-printed in this section.

Employees hired for less than three days must have their I-9s (Attachment 1) completed (Sections 1 and 2) by the end of their first day of employment.

C. Terminations

If an I-9 (Attachment 1), or proof of having applied for the appropriate documentation to complete an I-9 (Attachment 1) has not been received within three days of hire, the individual will not be allowed to return to work on the fourth day. All processing of documents to place the individual on payroll will be voided and the department will issue a new PR-40 reporting the number of hours worked and the total amount due for the hours worked.

The Human Resources representative will notify the hiring department and the employee of the employee’s termination (effective date and time) and will also follow-up with a written notification (Attachment 5), copied to the appropriate Vice President.

D. Alternate Documentation

An employee unable to produce an employment eligibility document may present a receipt from an application for a replacement document. A new hire that has lost his/her Social Security card or Birth Certificate may apply for a replacement and present the receipt from the replacement application. In such a case, the receipt authorizes employment for 90 days. A receipt that is more than 90 days old should not be accepted. If a receipt is presented, the receipt should be attached to the I-9 (Attachment 1) and delivered immediately to Human Resources.

If the new employee has produced evidence that s/he has applied for the documentation needed to complete an I-9 (Attachment 1), please send the employee along with his/her I-9 (Attachment 1) immediately to Human Resources. A representative from Human Resources will record the type of receipt, the receipt or document number and the end of the 90 day “grace” period in Section 2 (Attachment 3). The Hiring Proposal or PR-40
for this individual may then be processed to Payroll. (The law governing this policy allows the individual 90 days in which to obtain the required documentation.) Human Resources will place the I-9 (Attachment 1) and the receipt in a suspense file for 90 days.

The employee is contacted, both by phone and a written follow-up notification, at the end of 60 days to verify receipt of the documentation and ensure completion of the I-9 (Attachment 1) before the 90 day grace period expires. If the employee indicates the documentation has not yet been received, s/he is informed there are only 30 days of the grace period remaining and if the I-9 (Attachment 1) is not completed by the 90th day (indicate a specific date) that appropriate steps will be taken to terminate his/her employment.

On or before the end of the 90 day “grace” period, the employee must submit some valid work authorization document in order to continue employment. When the employee presents the actual document, the Human Resources representative should cross out the word “receipt” and any accompanying document number, insert the number from the actual document and date and initial the change.

E. Facsimiles

Human Resources will not accept copies or faxed copies of completed I-9s (Attachment 1), except those faxed to Human Resources by the Tax Compliance Manager, or those faxed by the Financial Aid Office for current Work Study/Scholarship employees and those sent by the Graduate College for current Graduate Assistants that are also being hired in positions processed through Human Resources. All originals must be forwarded or delivered to Human Resources within three business days of the hire.

F. Processing PR-40s with Completed I-9s

Once the I-9 (Attachment 1) is completed (Sections 1 and 2), the Hiring Proposal or PR-40 is processed and faxed to Payroll and Budget. Human Resources files the I-9 (Attachment 1), in the mobile locked file cabinet reserved just for I-9s (Attachment 1).

G. How to Correct Errors on I-9s

If a mistake is made on the I-9 (Attachment 1) line through the mistaken section of the form, enter the correct information, then initial and date the correction. White-Out, correction tape, etc. should not be used to correct mistakes.

4. Reverifying Employment Authorization

A. Current Employees with Expiring Employment Eligibility

For employees authorized to work for a specific time period, employment eligibility (that has expired) must be reverified by Human Resources or the Tax Compliance Officer who will complete Section 3 (Attachment 6) or, if Section 3 (Attachment 6) has already been
used for a previous re-verification, will use a new I-9 (Attachment 1). If a new form is used, the employee’s name should be indicated in the space provided at the top of Section 2 (Attachment 2) and Section 3 (Attachment 6) 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 authorization or new work authorization. A copy of that document must be attached to the Section 3 (Attachment 6) re-verification. If the employee cannot provide proof of current work authorization, his/her employment will be terminated. The I-9 (Attachment 1) form must be updated no later than the date the employee’s work authorization expires.

B. Rehired Employees

If a previous employee is rehired, Human Resources must ensure that s/he is still authorized to work. If the employee is rehired within three (3) years of the date the I-9 (Attachment 1) was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on the I-9 (Attachment 1), Section 3 (Attachment 6) must be completed and signed. If Section 3 (Attachment 6) has already been used for a previous verification, a new I-9 (Attachment 1) must be used. If a new form is used, the employee’s name should be indicated in the space provided at the top of Section 2 (Attachment 2) and Section 3 (Attachment 6) completed. If the employee is rehired longer than three (3) years from the date the I-9 (Attachment 1) was originally completed, a new I-9 (Attachment 1) must be completed before the employee may begin work.

C. Name Changes for Current Employees

If a reverified or rehired employee has had a legal name change, Human Resources must record the employee’s name change in Section 3 (Attachment 6) of the I-9 (Attachment 1). Name changes that are learned at other times other than during a rehire or re-verification should be updated by Human Resources in the new name space in Section 3 (Attachment 7).

5. Retention of I-9s

All I-9s (Attachment 1) with the exception of those for students working for the Financial Aid Office, the Graduate College, and Internationals will be maintained in Human Resources according to the record and retention schedule of the Library of Virginia. I-9s (Attachment 1) must be retained for three years from the date of hire or for one year from the date employment ends (whichever is later).

To satisfy both parts of this test, I-9s (Attachment 1) will be pulled when an employee terminates and filed in a file for the current year. At the end of that year, the I-9s (Attachment 1) will be placed in a box and will be destroyed in January of the fourth year as indicated on the box.
I-9s (Attachment 1) will be filed alphabetically in a locked mobile file. Periodic audits will be conducted. During an audit Human Resources will confirm that an I-9 (Attachment 1) was obtained for all hires during the audit period and that all I-9s (Attachment 1) are properly completed.
6. Sample Completed I-9s

A. Section 1 Completed – U. S. Citizen (Attachment 7)
B. Section 1 Completed – Non- U. S. Citizen (Attachment 8)
C. Section 1 Completed (Preparer and/or Translator Certification (Attachment 9)
D. Section 2 Completed using Passport (List A Document) as ID (Attachment 10)
E. Section 2 Completed using Driver’s License and Social Security Card (Lists B & C) as ID (Attachment 11)
F. Section 3 Completed – Reverification (Attachment 12)
G. Section 3 Completed – Rehire (Attachment 13)
H. Section 3 Completed – Name Change (Attachment 14)
I. How to Correct Errors on I-9s (Attachment 15)
Notice of Employee Termination

This letter is to confirm our conversation of (date) concerning the termination of employment at Radford University for (name of employee) effective (date and time). This action is required for failure to comply with the Immigration Reform and Control Act (IRCA) establishing eligibility for employment. A completed I-9, or appropriate documentation indicating support of completing an I-9, was not submitted to Human Resources by the end of the employee’s third day of employment.

cc: appropriate vice president