

TITLE: EMPLOYMENT ELIGIBILITY VERIFICATION (FORM I-9)

POLICY NO: 3-34

EFFECTIVE DATE: 10/01/01

VCCS POLICY NO: N/A

REVISED DATE: 05/30/17

I. Purpose:

The purpose of this policy is to provide information for compliance with the Immigration Reform and Control Act of 1986. The act requires that employees complete the first section of the Form I-9 on or before the first day of employment; and employers certify the citizenship status of all new or re-hired employees, including United States citizens, within three (3) days of employment. This policy applies to all employees who receive compensation through J. Sargeant Reynolds Community College (Reynolds).

II. Definitions:

Alien: any individual other than a U.S. citizen.

Immigration Reform and Control Act of 1986: seeks to preserve jobs for those who are legally entitled to them and states that employers must hire only United States citizens or aliens who are authorized to work in the United States. Supervisors who knowingly hire unauthorized aliens are subject to both civil and criminal penalties.

Re-verification: process used when an employee's identity or work authorization document has expired.

Unauthorized alien: non-U.S. citizen without proper authorization to reside and/or work in the United States of America as established by the Department of Homeland Security, Department of Labor, and/or the Office of Special Counsel for Immigration Related Unfair Employment Practices.

III. Policy:

- A. The college shall comply with the Immigration Reform and Control Act, which requires the completion of the federal [Form I-9](#), Employment Eligibility Verification, to verify that persons are eligible to work in the United States. The employee shall complete Section 1 of the Form I-9 on or before his/her first day of employment. The hiring authority, his/her designee, or a representative from the Office of Human Resources, shall certify documents establishing the employee's identity and eligibility to work by completing Section 2 of the form within three (3) days of employment. If Form I-9 is not accurately completed within three (3) days of employment, the person is not eligible to work.

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- B. The college's Office of Human Resources shall retain the Form I-9 for at least three (3) years. When a person is employed for more than three (3) years, the form shall be retained for one (1) year after the separation date. Forms shall be available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration Related Unfair Employment Practices, upon official request. The original Form I-9 shall be retained in the Office of Human Resources in a central location separate from the employee's official personnel file.
- C. If documentation of citizenship is unavailable and has been applied for by the employee, a receipt is required for verification within three (3) days of employment. The employee shall be required to produce the actual document within ninety (90) days of hire.
- D. Failure to complete Form I-9 or to provide documentation within three (3) business days shall result in the employee's removal from the payroll, and with his/her employment terminated by the hiring supervisor.
- E. Employees who are responsible for verifying I-9 forms must complete the I-9 Training provided by the Office of Human Resources prior to completing the federal Form I-9 for a new or current employee. Certificates of completion shall be issued to each participant upon the successful completion of the training, and the names of "certified I-9ers" shall be posted on the Office of Human Resources intranet site.
- F. The associate vice president of human resources is responsible for ensuring that the most current federal Form I-9 is used by college employees for verification purposes and is available electronically on the "Forms" directory located on the college's intranet site.

The employee or the employer may write "N/A" on any unused field; however, some blank fields require "N/A". Specific guidance can be found on the Form I-9 instructions.

IV. Procedures:

- A. A new or re-hired employee must complete Section 1 of Form I-9 with name, address, date of birth, Social Security Number, and birth name on or before the first day of employment. It is optional for the employee to provide his/her email address and telephone number. The block that correctly indicates the employee's immigration status must also be checked. Additionally, the employee must sign his/her name and indicate the current date in Section 1.
- B. The hiring manager, his/her designee, or a representative from the Office of Human Resources must complete Section 2 by examining evidence of identity and employment eligibility within three (3) days of employment. The hiring manager or his/her designee is responsible for verifying information for adjunct faculty and wage/hourly employees. For work-study students, the hiring supervisor/manager is responsible for completing the Form I-9. The Office of Human Resources is responsible for completing Form I-9 for all full-time employees, and upon request from the hiring manager, may also complete the Form I-9 for any wage/hourly employee.

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- C. The information that must be recorded includes document title, issuing authority, document number, expiration date, if any, and the date employment begins (Certification Date). The Form I-9 must be signed and dated in Section 2. A photocopy of the document(s) presented must be attached to the original Form I-9 for all college employees.
- D. Documents that may be used to determine employment identity and eligibility are listed on the Form I-9. The applicant can select which document(s) to present when there is a choice. Additionally, the college cannot specify which documents it will accept from a new or re-hired employee.
- E. Guidance for the employee completing Section 1:
 - 1. Section 1, Box 1: If the employee is a citizen of the United States, this box is to be checked.
 - 2. Section 1, Box 2: If the employee was born in the American Samoa, or is a certain former citizen of the former Trust Territory of the Pacific Islands, or is a certain child of noncitizen nationals born abroad, this box is to be checked.
 - 3. Section 1, Box 3: If the employee is a lawful permanent resident of the United States, the employee must provide his/her Alien Registration Number (A-Number) or USCIS Number in the field next to his/her selection.
 - 4. Section 1, Box 4: If the employee is an alien authorized by U.S. Citizenship and Immigration Services to work in the United States, the employee must record the date his/her employment authorization expires, and his/her Alien Registration Number (A-Number) or USCIS Number.
- F. Updating and re-verification
 - 1. Legal name change
 - a. For part-time employees (adjunct faculty, wage/hourly, and work-study), the hiring manager, or his/her designee, must ensure that Sections 1, 2, and 3 are completed on a new Form I-9. The college's authorized representative must sign in Section 2 and Section 3. The certification date is to be left blank.
 - b. Full-time employees must contact the Office of Human Resources to arrange the completion of a new Form I-9.
 - 2. Re-verification
 - a. The Office of Human Resources will maintain a follow-up file for all Form I-9s requiring re-verification. The hiring manager will be contacted two to three months prior to the expiration of the document(s) that is to be re-verified. The hiring manager is responsible for communicating the information to the employee.

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- b. The employee must provide new documentation on or before the expiration date. If the employee does not comply with the request, the employee will be removed from payroll and terminated, by the supervisor, on the date the original document(s) expire.
- c. When the employee provides the new documents, the hiring manager, or his/her designee, must ensure that Sections 1 and 3 are completed on a new Form I-9. If the employee presents documents different than what were used on the original Form I-9, then Sections 1 and 2 must be completed on a new Form I-9.

G. Adjunct faculty who reside outside of the Reynolds service region may complete the I-9 verification process at the nearest Virginia community college Human Resource office. Hiring managers must contact Reynolds Human Resources to make the necessary arrangements for this activity.

V. Other Information:

[Federal Form I-9](#), Employment Eligibility Verification

Form I-9 is available on the college's intranet site, under Forms, Reynolds Human Resources, or at the Department of Homeland Security website at: <http://www.uscis.gov/files/form/i-9.pdf>

Interpretation:

The Office of Human Resources is responsible for the official interpretation of this policy and procedure. Questions regarding the application of this policy and procedure should be directed to the Office of Human Resources.