



POLICY & PROCEDURE DOCUMENT

NUMBER: 4.2010

DIVISION: Finance and Administration

TITLE: U.S. Citizenship and Immigration Services (USCIS), Form I-9

DATE: August 19, 2013

Policy for: All Employees

Authorized by: Director, Human Resources

I. Purpose and Scope

The Immigration Reform and Control Act of 1986 (IRCA) requires that employers verify the employment eligibility of all workers hired after November 6, 1986 for employment in the United States, regardless of the workers' immigration status. The required authorization is ensured through an Employment Eligibility Verification Form (Form I-9). The U.S. Citizenship and Immigration Services' (USCIS) Handbook for Employers requires the Form I-9 to be completed **within three (3) business days of the employee's hire date** (Section 1 must be completed **no later than the first day of employment.**) Western Kentucky University (WKU) will strictly adhere to these requirements as failure to do so could subject the institution to civil fines, criminal penalties, debarment from government contracts and other adverse actions.

II. Policy

As a condition of employment, WKU shall only hire U.S. citizens, resident aliens and non-resident aliens who are lawfully authorized to work in the United States. WKU will not discriminate against any work-authorized individual in the recruitment, hiring, discharge, general conditions of employment or in the employment eligibility verification (Form I-9) process based on the individual's citizenship status, immigration status or national origin. The University will not specify allowable documents from an employee nor refuse to hire any individual because the documentation presented has a future work eligibility expiration date.

Western Kentucky University is committed to complying with federal law and regulations of the IRCA, concerning verification of employment eligibility and required record keeping for employees hired to work in the United States. Following acceptance of a job offer, all employees are required to complete a Form I-9 no later than the first day of employment and at other times as applicable. This requirement applies to all newly hired regular, temporary, part-time and full-time employees and students who are physically performing work in the

United States and specifically for WKU. By examining evidence of identification and employment authorization, the University must complete Section 2 within three (3) business days of the date employment begins. For any individual hired for less than three (3) business days, Section 2 must be completed no later than the first day of employment. Any employee who's associated Form I-9 is not completed within the three (3) day time period will not be permitted to continue to work. The university will not employ individuals who are determined to be ineligible for employment as evidenced by the Form I-9.

Employees who are re-hired within 3 years (36 months) of the date of the original Form I-9 completion, must re-verify employment eligibility through completion of Section 3 of Form I-9. Employees who are re-hired more than 3 years after the date of original Form I-9 completion must complete a new Form.

For individuals who are employed with an employment authorization expiration date, steps must be taken to re-verify employment eligibility on or before the designated expiration date. Employees who are unable to provide proof of continuing work authorization, will not be permitted to work beyond the validity of his or her current work authorization. The employee shall be eligible to continue work with WKU as soon as the acceptable documents are verified.

Designated personnel within the Department of Human Resources, the Department of Student Financial Assistance, and other qualified individuals are responsible for institutional Form I-9 compliance. Questions regarding any aspect of employment and/or identity verification should be directed to appropriate representatives in the Department of Human Resources.

III. Procedure

Effective September 1, 2012, the University implemented an electronic Form I-9 solution through a third party administrator. While the University remains fully accountable for Form I-9 compliance, the electronic system solution helps to facilitate compliance, including record for retention. Form I-9s and related documents are obtained and handled in a confidential manner and in compliance with applicable regulations.

Following an offer of employment, each new employee is sent an electronic message presenting information and instructions for completion of Form I-9. The new employee is directed to fill out Section 1 of Form I-9 on or before the first day of employment. As a part of this communication, each new employee is directed to contact the Department of Human Resources on the first day of employment in order to complete Section 2 of Form I-9.

The Department of Human Resources takes certain actions to keep the campus informed of and in compliance with employment verification requirements. Actions include the following:

- Periodic training for personnel having responsibilities for Form I-9 completion
- Twice each calendar year, the Department of Human Resources communicates with vice presidents, deans, directors, department heads and hiring officials to affirm the institution's policy and responsibilities for Form I-9 compliance

- Employment offer letters include notification that the offer is contingent upon the individual's eligibility to work under the provisions of the IRCA, and the employee providing the necessary, original documents to satisfactorily complete the Form I-9
- The Department of Human Resources provides a quarterly reporting to the University's executive leadership team (Administrative Council) summarizing any instances of Form I-9 non-compliance and explanatory details

A sample Form I-9 is included with this policy for reference purposes. See Appendix 1.

IV. Exclusions

None

V. Related Policies

See also:

VI. Reason for Revision

Appendices: Appendix 1: USCIS Form I-9, OMB no. 1615-0047, Expires 03/31/2016