

Employment Eligibility Requirements: The I-9 Process

Effective Date: September 23, 2015
Function: Human Resources
Contact: VP, Human Resources

Basis for Procedure

This document sets forth the Research Foundation's requirements regarding verification and monitoring of employment eligibility for all employees being appointed to the Research Foundation (RF) payroll.

Procedure Summary

Each operating location responsible for making appointments to the RF payroll must adopt a procedure to comply with the requirements outlined in this document and the [Employment Eligibility Policy](#) (including Immigration Reform and Control Act {IRCA} documentation requirements) for verifying and monitoring employment eligibility. This procedure must include the designation of the office at the location responsible for IRCA compliance and the individual(s) authorized to execute Form I-9.

All individuals authorized to execute Form I-9 should be properly trained and made aware of I-9 updates and instructions.

Completing U.S. Government Form I-9

U.S. Government [Form I-9 Employment Eligibility Verification](#) must be completed by the RF for all newly hired employees. Newly hired employees must complete and sign Section 1 of the Form I-9 after acceptance of the offer of employment but no later than the first day of employment. An authorized representative of the RF must complete section 2 by examining appropriate documentation that establishes identity and employment authorization within 3 business days of hire. For example, if an employee is hired on Monday, the I-9 must be completed by Thursday of that week. All new hires must present original, current identity and employment eligibility documentation. The back of Form I-9 lists the documents that can be presented by an employee to establish identity and employment eligibility.

As of March 1, 2010, the RF began verifying employees through the E-Verify system based on information on the Form I-9. As such, employees must supply their social security number in section 1 and any List B documents provided must contain a photo. If an US passport, US passport card, employment authorization card or permanent resident card is presented, a copy of the front and back of the document must be made and retained. For more information on the E-Verify process see: [E-Verify: Employee Verification Procedure](#).

The appropriate section of Form I-9 must be completed by checking and recording the necessary information. Employees must sign and date the form as certification that the documents presented to the Research Foundation to establish identity and employment

eligibility are genuine and relate to them.

If a person other than the employee prepares the form or acts as a translator so that the employee can complete the form, that person must sign the form and provide his or her mailing address.

If copies of Form I-9 (rather than originals) are used, both sides of the form must be photocopied. The reverse side of the form describes civil and criminal penalties as well as information about filling out the form.

Refer to the [U.S. Citizenship and Immigration Services \(USCIS\)](https://uscis.dhs.gov/) web site.

Reviewing Documents and Form I-9

The RF operations manager or designee at the operating location must examine the original documents establishing identity and employment eligibility documentation presented by all employees as required. Instructions and Frequently Asked Questions (FAQ's) for can be found in the [USCIS Handbook for Employers](#).

Note: If someone other than an RF employee is acting on behalf of the RF for the purposes of reviewing I-9 documents they should be instructed to enter "The Research Foundation for SUNY" as the business or organization and the main campus address of the location in Section 2 of the Form I-9.

Form I-9 Employment Issues

Employee's Work Authorization Document Has Expired - Reverification

I-9 rules require employers to re-verify employee work eligibility on Form I-9 (in Section 3 - Updating and Reverification) on or before the expiration of temporary work authorization. Reverification must occur no later than the date on which work authorization expires.

Employee Without Current, Original Documents

If the employee does not have current, original documents establishing identity or employment eligibility but is able to present a receipt showing application for replacement of lost or stolen originals, the receipt will authorize employment for 90 days. In this situation, Form I-9 must be completed showing employment eligibility for 90 days only. Upon presentation of the new original document(s) within the 90-day authorization period, Form I-9 must be updated. If documentation is not presented within 90 days, the employee must be removed from the payroll. Note that receipts are acceptable only for replacement originals. Receipts are not acceptable for first-time applications, or for renewals (except for foreign national visa employees or STEM EAD holders).

Break in Service

If an employee is rehired within 3 years of the initial execution of the previous Form I-9, follow the appropriate process for reverification as outlined below.

If the employee is rehired more than three (3) years from the initial execution date of the previous Form I-9, a new I-9 must be completed. Whenever a new Form I-9 is required, an E-Verify query must be run.

Seasonal Appointments

If an employee is Seasonal, a rehire is not considered to have taken place for I-9 purposes despite an interruption in employment. An example of this at the RF is Summer Only appointments. Accordingly, continuous reliance on the underlying I-9 is appropriate, despite an interruption in employment. In these situations, reverification is not required as long as the individual remains authorized to work in the United States. Summer Only appointments with a break in consecutive appointments must follow the appropriate process for rehires.

Reverification

If the employee's work authorization has expired, the RF operations manager or designee

must examine a document that reflects that the employee is authorized to work in the U.S. and record the document title, number, and expiration date (if any) in Section 3 of Form I-9, or use page 2 of a new Form I-9 if section 3 has already been used. Be sure to use the most current version of the Form I-9 for reverification purposes.

Refer to the [I-9/E-Verify Quick Reference Table](#) for more information on reverification of Form I-9.

Refer to the [E-Verify: Employee Verification Procedure](#) for specific instructions with regard to creating a query in E-verify when a reappointment occurs.

Retaining Form I-9 and Documentation

The original Form I-9 and any required copies of documentation of authorization to work must be retained in a file separate from the personnel file.

The Form I-9 of each employee must be retained for the duration of employment and, following termination for either for 3 years after the date of hire or for 1 year after employment is terminated, whichever is later. Upon request, all I-9 forms required to be retained must be made available to the Department of Homeland Security, Department of Labor, and/or the Justice Department's Office of Special Counsel for Unfair Immigration-Related Employment Practice.

Because RF participates in E-Verify, copies must be made when an employee presents a U.S. passport or passport card, a legal permanent resident card ("Green Card") or Employment Authorization. I-9 law does not otherwise require employee documents to be copied, but copying is permissible. Documents copied become a part of the I-9 record and should be retained with the Form I-9. Except for documents required to be copied for E-Verify purposes, document copying practices should be uniform. Never copy documents because an employee identifies as non-citizens or has an accent or a foreign-sounding name.

Employers are able to store I-9 forms electronically. Details and rules surrounding electronic retention can be found in Part Three: Photocopying and Retaining Form I-9 of the [USCIS Handbook for Employers](#).

Entering Employment Eligibility Information into the Computerized Business System

Employment eligibility information for an employee is entered into the computerized business system via the Employment tab region of the People window. The I-9 Status Field is used to record employment eligibility information.

Monitoring Employment Eligibility Status of Non-U.S. Citizens

U.S. passports, drivers' licenses and legal permanent resident cards are never re-verified. Foreign national employees with temporary work authorization are subject to reverification. Operating locations must monitor for expiration of time-limited or status-limited employment authorization of foreign national employees with temporary work authorization.

The following two standard operational reports should be run periodically to assist in monitoring time-limited or status-limited employment authorization of foreign nationals with temporary work authorization. For more information, see the Reports/Queries resource area.

RF I-9 Expiration Date Report

Provides end dates of work visas, student work permits (I-20 or DS 2019) or employment authorization documents for foreign national employees.

RF Missing I-9 Expiration Date Report

Provides listing by location of noncitizen RF employees in the U.S. who have no I-9 expiration date entered into the system. The I-9 expiration date should be filled in with the end date of work visas, student work permits (I-20 or DS 2019) or employment authorization documents for foreign national employees. Green card holders should not have an I9 expiration date.

Definitions

Seasonal Appointment- Seasonal employees are defined as those individuals who possess a reasonable expectation of continued employment from one period of the year to the next. An example of this at the RF is Summer Only appointments.

Related Information

[Employment Eligibility Policy](#)

[E-Verify Employee Verification Procedure](#)

[I-9/E-Verify Quick Reference Table](#)

[USCIS Handbook for Employers](#)

[New Employee Process](#)

Forms

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

Change History

Date	Summary of Change
September 23, 2015	Update various sections to reflect I-9 and E-verify policy clarification and citations
March 20, 2010	Clarified timing of completion for Form I-9
February 1, 2010	Updated to include information on E-Verify requirements
July 14, 2009	Updated various sections to include link to I-9 handbook, clarification on agents viewing documents, electronic storage of I-9 forms, and reverification
April 3, 2009	New I-9 effective with revision date of 2/2/09
August 25, 2004	Updated document to redirect link and change INS to USCIS.

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.