

Employment Eligibility Policy

Effective Date:	September 23, 2015
Supersedes:	Employment Eligibility Policy and E-Verify Policy
Policy Review Date:	September 2018
Issuing Authority:	Research Foundation President
Responsible Party:	VP, Human Resources
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Reason for Policy

The Research Foundation for SUNY (RF) ensures that it hires only individuals authorized to work in the United States and as such, follows The Immigration Reform and Control Act (IRCA). The RF must verify the identity and employment authorization of each person hired in the United States, complete and retain form I-9 for each employee, and refrain from discriminating in the I-9 process against individuals on the basis of national origin, immigration or citizenship status.

The RF is also an E-Verify employer for all new hire employees and for current employees who are working on a contract with the federal acquisition regulation (FAR) E-Verify Clause.

Statement of Policy

Employment Eligibility

Only employees with U.S. employment authorization are eligible to work at the RF in the United States. Accordingly, a Form I-9 and E-Verify query must be completed for every new hire within the time periods provided by applicable laws. These cannot be completed until after an offer has been extended and accepted. Employees must be informed of the requirement to document identity and employment eligibility when an offer of employment is made, but cannot be directed on which documents to use to fulfill the requirement.

The RF Operations manager or appropriate designee must certify that he or she has examined the documents, that the documents appear to be genuine and to relate to the employee named, that the employee began employment on the date listed, and that to the best of his or her knowledge, the employee is eligible to work in the United States.

E-Verification

For employees appointed to the RF payroll after March 1, 2010, an E-Verify query must be initiated after an offer of employment is made and no later than 3 business days from the hire date. Employment eligibility queries must be initiated for current employees (hired after November 6, 1986) who are working on a covered contract or subcontract which contains the FAR E-Verify clause requiring verification. The E-Verify query must occur within 90 days of RF entering into a FAR E-Verify covered contract, or, for ongoing contracts, within 30 days of the assignment of a current employee to the contract.

The Research Foundation will not use E-Verify to screen job applicants or to re-verify employment eligibility. In addition, the RF will not discriminate or use E-Verify selectively, and will verify all new employees regardless of national origin, citizenship or immigration status.

The [E-Verify Participation](#) and [Right to Work](#) posters must be posted at each location.

Break in Service

A new Form I-9 does not need to be completed upon reappointment to the payroll if the previous form was completed during the three years prior to the reappointment date. When a prior Form I-9 is relied upon, it must be inspected to determine that it relates to the employee, and that the employee continues to be eligible to work.

Continued Employment for Seasonal Appointments

If there is a reasonable expectation of continuing employment from one period of employment to the next, as in consecutive summer- only appointments, a rehire is not considered to have taken place for I-9 and E-Verify purposes despite an interruption in employment. The employer may continue to rely on the original I-9, so long as the individual remains authorized to work in the United States. In this case neither a new I-9, nor E-Verify query, nor a Section 3 re-hire verification is required when the employee returns to work the next season.

Seasonal employees with a break in consecutive appointments must follow the appropriate process for rehires as described in the break in service section of this policy.

Monitoring Work Authorization

Appointments are contingent on proof of identity and employment eligibility. If an employee becomes ineligible to work in the United States, he or she will be removed from payroll and action may be taken up to and including separation from employment. The Oracle Report RF I-9 Expiration Date Report can be run to monitor non-resident alien work authorization status.

Responsibilities

The following table outlines the responsibilities for compliance with this Policy:

Responsible Party	Responsibility
Operations Manager or designee	Ensuring location compliance with I-9 and E-Verify requirements
VP, Human Resources or designee	Updating and maintaining corporate policy, procedures and E-Verify RF Corporate account.

Definitions

E-Verify- -Verify is a web-based system that allows an employer, using information reported on an employee's Form I-9, to verify an employee's identity and eligibility to work in the United States. The E-Verify system is operated by the U.S. Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA).

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

Income Fund Reimbursement (IFR)- Process to reimburse SUNY for direct charges and fringe benefit costs related to State University of New York (SUNY) employees working on Research Foundation (RF) administered grants.

Related Information

Employment Eligibility Requirements: Form I-9 Procedure

[E-Verify: Employee Verification Procedure](#)

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

[New Employee Process](#)

[USCIS Handbook for Employers](#)

Forms

[Form I-9](#)

Change History

Date	Summary of Change
September 23, 2015	This policy is a combination of the current Employment Eligibility Policy and E-Verify Policy and incorporates changes to I-9 and E-Verify Rules that have happened since the current policies were published.
March 20, 2010	Added clarification on timing for Form I-9
February 1, 2010	Added information on E-Verify and Related Resources and Responsibilities section

Feedback

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

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