

POLICY

Effective Date: 5/31/07

Approved By: President's Council

Authority: Public Law 99-603; 8CFR274a;
26CFR31.3402(f)(2); 29CFR516

Cancels: Social Security Employment Requirement Policy (2/21/95)

See Also: [PRO-U5400.11A](#) Processing New Hire

Documentation

POL-U5400.11 VERIFYING EMPLOYMENT ELIGIBILITY

This policy applies to classified, FLSA exempt and FLSA non-exempt professional staff, and faculty positions that are either temporary or permanent.

Definitions:

240-day rule exception- an exception that allows an employee with a certain nonimmigrant category to continue to work for an employer for an additional 240 days beyond the expiration of their current stay while the application for extension of stay is pending.

Employee – individual who receives wages or other remuneration from the university for performing labor or services and is not an independent contractor.

Employment eligibility – providing documentation required by the U.S. Citizenship and Immigration Services, and proof of a valid social security number or that an application for one has been made.

1. Vice President For Business And Financial Affairs Shall Ensure All Employees Are Eligible For Employment

The Vice President will ensure hiring procedures are implemented to

- a) Verify the identity and employment eligibility of all employees in accordance with applicable laws and guidelines, and
- b) Preclude the unlawful employment of foreign nationals.

2. Employment Is Contingent Upon Verification Of Eligibility

All offers for and continuation of employment with the university are contingent upon verification of employment eligibility.

3. Human Resources Director Will Require Documentation To Be Completed

I-9 forms for new hires are required to be accurately completed by the third day of employment and when re-verification is required. Foreign nationals may request a 2 week extension if needing to make an application to the Social Security Administration.

POLICY

A social security number is required for employment which must be provided on the W-4 form before work is performed.

Exception: Evidence that an application to Social Security has been made will be accepted.

Employees who intentionally provide falsified information will be denied employment or be immediately terminated.

4. Employment Will Be Terminated Without Valid Work Authorization

Employees shall maintain valid work authorizations and provide updated documentation no later than the employment authorization expiration date recorded in Section I of the current I-9 form on file.

Upon notification by Human Resources, deans and directors shall not allow an employee to continue working while an application for either an extension or for a new type of employment authorization is pending unless the employee is eligible for the 240-day rule exception. Those eligible for the 240 day exception but denied an extension by the U.S. Citizenship and Immigration Services shall be automatically terminated upon notification of the denial decision.

The university will assist employees as deemed appropriate; however, the employee's failure to comply in providing required documentation will result in immediate suspension or termination of employment.

5. Human Resources Director Will Ensure Employee Records Are Completed And Maintained Appropriately

Completed I-9 and W-4 forms will be maintained only in secured files in the Human Resources Department separate from the employee's official personnel file.

No other university department personnel will keep any original or copies of employment eligibility forms or employee documents (i.e. passport, social security card).

6. Personnel Shall Use Information For Employment Eligibility Purposes Only

I-9 and W-4 information will be reviewed by authorized personnel and used only for employment and Internal Revenue purposes. Personnel found to be using employee information for fraudulent and unfair practices will be subject to disciplinary action including termination.

7. Executive Officers And Directors Will Ensure Internal Procedures Are Established

Executive officers and directors will ensure that internal procedures are established for their respective areas in order to be in compliance with this policy.

POLICY

8. Human Resources Director Will Ensure Training Is Provided

The Human Resources Director will ensure training on this policy and relevant procedures is provided to hiring departments.