

SUBJECT: Compliance With the Immigration Reform
and Control Act

APPROVED BY:

EFFECTIVE
DATE: 04-04-11 (replaces 02-19-10)

Executive Director

Reviewed (no changes): _____

POLICY

It is the policy of McIntosh Trail CSB to ensure that every employee hired after May 31, 1987 completes a FORM I-9 on the date of hire in compliance with the federal law, Immigration Reform & Control Act of 1986. Effective July 1, 2007, each employee will have their employment eligibility verified through the Homeland Security E-Verify System.

PROCEDURE

I. GENERAL PROVISIONS

- A. Unlawful Hiring: The Immigration Reform and Control Act of 1986 makes it unlawful for any person or other entity to hire, recruit or refer for a fee:
1. An alien, knowing the alien is an unauthorized alien;
 2. Any individual without requiring that individual to comply with employment verification requirements as specified in this policy.
- B. Unauthorized Alien: Unauthorized alien means, with respect to employment of an alien, that the alien is not at that time either:
1. An alien lawfully admitted for permanent residence;
 2. An alien authorized to be so employed under the provisions of the Immigration Reform and Control Act or by the U. S. Attorney General.
- C. Civil and Criminal Penalties: Failure to comply with the provisions of the immigration law carries civil and criminal penalties and fines.

II. DOCUMENTS USED IN VERIFICATION

- A. Documentation verifying identity and employment eligibility (i.e., Social Security card, passport, Resident Alien card, etc.) must be submitted with the I-9 Form. See page 5 of Attachment 1 for a list of acceptable documents.
- B. Human Resources must accept any documents presented by the employee which reasonably appear to be genuine and related to the person presenting them. The agency may not specify which documents an employee must present.

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C. Reverification

1. Current Employees: When an employee's work authorization expires, the personnel official must reverify employment eligibility. The employee must present a document that shows either an extension of the initial authorization or a new work authorization. If the employee cannot provide proof of current work authorization, employment cannot be continued.
2. Rehired Employees: When an employee is rehired, the hiring official or personnel official must ensure that the authorization to work is current. This may be done by reverifying or updating the original INS Form I-9 provided the employee is rehired within three years of the initial hire.

III. ANTI-DISCRIMINATION MEASURES

- A. It is unfair immigration-related employment practice for any agency to discriminate against an individual (other than an unauthorized alien) with respect to hiring, recruitment or referral for a fee because of the individual's national origin or citizenship status.
- B. It is not an unfair immigration-related employment practice for an employer to hire a U.S. citizen over another individual who is an alien if the two individuals are equally qualified.

IV. COMPLETION OF I-9 FORM

A. Employee

1. The individual must complete the Employee Information and Verification Section. Only individuals who are hired must Complete and sign the form.
2. The individual's signature in the Employee Information and Verification Section attests, under penalty of perjury, that the individual:
 - a. Is a citizen or national of the United States; or
 - b. Is alien lawfully admitted for permanent residence; or
 - c. Is an alien who is authorized by the Immigration and Naturalization Service to work in the United States;
and
 - d. Has presented documents for evidence of identity and employment eligibility which are genuine and related to that individual.

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B. Employer

1. Human Resources should ensure that every employee hired completes an INS form I-9 on their first day of employment.
2. If the employee is unable to present the required document(s) within the three work days, they must present, within the three work day period, a receipt showing that application has been made. The employee must then present the actual document within 90 days of the date employment begins.
3. Human Resources must examine the sections of INS Form I-9 completed by the individual to ensure that they are legible, completed properly, and bear a signature.
4. Human Resources must examine documents provided by the individual as indicated in Section II. B. of this policy before completing the Employer Review and Verification Section. Copies of documents must be included with the I-9 Form.
5. Human Resources will perform a search on the E-Verify System to confirm employment eligibility within three days of hire.
6. Documents which have been issued to an employee by a foreign government or the U.S. Immigration and Naturalization Service must be renewed by the employee on their expiration.
7. Human Resources is responsible for monitoring expiration dates of employees whose employment eligibility documents carry an expiration date. Note: Human Resources is not responsible for monitoring the expiration dates of driver's licenses.
8. The employer's signature in the Certification Section attests, under penalty of perjury, that:
 - a. The employer has examined documents presented by the individual; and
 - b. The documents appear to be genuine and appear to relate to the individual seeking employment; and
 - c. The individual is a U.S. citizen or an alien authorized for employment.

Attachment:
INS Form I-9