

Employment Eligibility Verification (I-9) Policy Section 1.1

PURPOSE

The City is required by Federal law to verify the work eligibility of newly hired employees by obtaining a completed *I-9 form (Employment Eligibility Verification form)* for each employee hired after November 6, 1986.

REQUIREMENTS

I-9 Form Completion:

An employee is required to complete their portion of the *I-9 form* and provide the document(s) verifying work eligibility ONLY on the date they are actually hired. (Hire date is the effective date and/or official start date of employment.)

Prior to the actual acceptance of an offer of employment, a prospective employee may ONLY be advised that they will be required to complete an *I-9 form* and provide documentation verifying work eligibility. Requesting this information during any portion of the application process can lead to a charge of discrimination.

Documentation Requirements:

The *I-9 form* lists the document(s) which are acceptable as proof of work eligibility. Only the employee shall designate which document(s) they wish to present. The City may not require a specific document among those listed, nor require additional documents for completing the form, beyond those which establish identity and work authorization.

If the document(s) provided by the employee appears to be genuine and related to the person, they are to be accepted. There is no requirement, on the part of the City, to verify the authenticity of documents which appear to be genuine.

The City participates in the Department of Homeland Security E-verify system. E-verify is an internet-based system that compares information from an employee's *I-9 form* to U.S. Department of Homeland Security (DHS) and Social Security Administration (SSA) records to confirm that you are authorized to work in the United States.

TIME FRAMES

New Employee:

A new employee should provide the required document(s) at the time they are hired. If unable to comply with this requirement, she/he must be given three (3) business days to produce evidence proving they have applied for a specific document.

For example: Evidence could be a receipt verifying application for a social security card or a driver's license. It then becomes the employee's responsibility

to produce the document itself within ninety (90) days of hire, or be subject to termination.

However, on or before the time employment begins, the employee must have indicated in Section 1 of the *I-9 form* that they are already eligible to be employed in the United States.

Rehired Employee: An employee who is rehired is required to complete a new *I-9 form*.

NON-DISCRIMINATION

The City shall not discharge a current employee, refuse to appoint a new employee, or otherwise discriminate on the basis of foreign appearance, language, or name. To discriminate against an employee or applicant on the basis of national origin violates the Title VII of the *Civil Rights Act*.

PROCESSING

Completed Documentation

A completed *I-9 form* and all copies of the documents, which verify authorization to work, are to be submitted to the HR/RM Department via the onboarding portal. These documents are to be used for the purpose of establishing employment eligibility, and are to be retained ONLY with the *I-9 form*. None of these documents are to be placed in an employee's personnel file.

Once Human Resources determines that documentation is complete and verified, the HR department will retain documents with the *I-9* records retention folder for a minimum of three (3) years; current and/or ongoing employee forms shall be retained for one (1) year following separation from the City.

Incomplete Documentation

If an individual is hired with incomplete documentation, they must be given three (3) business days in which to present either: 1) the necessary documents; or 2) a receipt for the application of replacement documents which verifies application for a specific document. If neither of the above is provided, within three (3) business day, the employee must be terminated.

Upon receipt of verification that an employee has applied for a specific document, the City may employ that individual for up to ninety (90) calendar days from date of hire, without being in violation of the law. If the required documentation is not received in Human Resources, the employee is immediately notified by memorandum, that the documentation must be completed and forwarded to Human Resources within ninety (90) calendar days of hire.

If documentation is not received within thirty (30) calendar days of the first notice, Human Resources will notify the employee in writing, that they are required to complete the documentation within ninety (90) calendar days of hire.

If the required documentation is not received within thirty (30) calendar days of the second notice, the third and final notice is sent to the employee, with the Department Head copied. The notice advises that termination papers must be processed, and that employee will be removed from the payroll within ninety (90) calendar days of the date of hire. The termination letter then follows.

These time frames assume the employee has been properly on boarded and notification information is present within the HR Department, allowing sufficient time for three (3) notices to be sent before the ninety (90) calendar days have lapsed. Should this not be the case, the City may only have the time for one (1) or two (2) notices prior to termination.

Dated Documentation

If a work authorization expires, the *I-9 form* must be updated to continue to employ that individual. This means the employee must either present a document that show an extension of employment eligibility, or a new grant-of-work authorization prior to the expiration date.

It is important that Human Resources monitor such document(s) and verify either renewal or extension. Human Resources will retain a list of affected employees, and advise the department employee is due to expire.

Without an extension of employment eligibility, or a new grant-of-work authorization, the employee must be terminated immediately.