

Employment Eligibility Verification—USCIS Form I-9

NOTE: The website URL for **Workday reference guides** that are referenced in this section is:
<https://confluence.esg.wsu.edu/display/WKB/Workday>

EMPLOYMENT POLICY

WSU employs only U.S. citizens and aliens who are authorized to work in the U.S. in compliance with the Immigration Reform and Control Act of 1986.

New Employees

All new employees including U.S. citizens must present an original document or documents that establish identity and employment authorization **within three business days** of the date employment begins (also referred to as the hire date).

Questions

For questions, contact Human Resource Services (HRS); telephone 509-335-4521.

Responsibilities

Only a designated WSU representative may complete the U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification (Form I-9) by examining and verifying the documents presented by a new employee. Designated representatives include employing officials and their designees. See *BPPM* 60.10 for definition of employing official.

Employing officials must be prudent in designating WSU personnel who are authorized to complete the Form I-9, since employees who examine the identifying documents are certifying under penalty of perjury that the documents appear to be genuine. Civil and criminal penalties apply for violation of these requirements.

Departmental employees responsible for completing Form I-9 must review the *Handbook for Employers – M274* found at the USCIS website at:

uscis.gov/i-9-central-handbook-employers-m-274

General instructions and guidance for completing Form I-9 may also be found in the *Handbook for Employers – M274*.

**NOTIFYING
APPLICANTS**

WSU notifies applicants about the University's employment policy and intent to comply with the law.

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NOTIFYING APPLICANTS (cont.)

- Recruitment materials may include the following:

"WSU employs only U.S. citizens and lawfully authorized non-U.S. citizens. All new employees must show employment eligibility verification as required by U.S. Citizenship and Immigration Services."
- The application forms for administrative professional, civil service, collective bargaining unit, and temporary employment positions indicate WSU's compliance and include the above statement.
- Letters from departments to prospective faculty employees acknowledging receipt of applications include the above statement.

DOCUMENTING VERIFICATION

Employing departments document verification of eligibility on USCIS Employment Eligibility Verifications (Form I-9).

New Employees

All new employees including U.S. citizens must present an original document or documents that establish identity and employment authorization **within three business days** of the date employment begins (also referred to as the hire date).

Long-Term Employees

Employees who were employed by WSU on or before November 6, 1986 and are still employed without a break in service do not have to establish their eligibility for U.S. employment as required in this section.

More Than One Position

If the employee has more than one WSU position, only one Employment Eligibility Verification (Form I-9) is to be filed at HRS.

WSU Employee Defined

This section applies to the following individuals receiving pay:

- Faculty, including paid adjunct faculty
- Administrative professionals (APs)
- Civil service employees
- Employees covered by collective bargaining unit agreements
- Graduate assistants
- Undergraduate assistants
- Temporary hourly and student hourly employees

Exceptions

This procedure does not apply to nonpaid adjunct appointments (also referred to as courtesy appointments) and nonservice pay.

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Exceptions (cont.) If the duties are performed in a foreign country, employees do not have to establish their eligibility for U.S. employment as required in this section. If employees return to the U.S. for any purpose, Form I-9 must be completed.

USING THE I-9 FORM IN WORKDAY

Refer to the Workday New Hire Onboarding reference guide for instructions on completing the I-9 Form.

Employee Verification

No later than the first day of employment, the newly-hired employee must fully complete, date, and electronically authorize **Section 1 (Employee Information and Attestation)** of the Form I-9. The employee may complete **Section 1** prior to their first day of work.

The department may not require an employee to provide their social security number (SSN) for the purposes of completing **Section 1**.

Employer Verification

A designated WSU representative must fully complete, date, and electronically authorize **Section 2 (Employer Review and Verification)** of the new employee's Form I-9 within three business days of hire. Designated representatives include employing officials and their designees. See *BPPM* 60.10 for definition of employing official.

The employee presents to the representative documents of their choice from the lists included with the online Employment Eligibility Verification (Form I-9). Presented documents are to be originals. Photocopies or fax copies are not acceptable.

The designated WSU representative examines and verifies the originals of documents presented by the new employee. NOTE: The designated departmental representative must view and verify the required employee documents. However, the department does not submit employee documents to HRS or retain copies.

If the new employee is unable to produce original documents or receipts for documents within three business days of hiring, employment must be terminated. Contact HRS for assistance.

Rehire

Employees who never had an Employment Eligibility Verification (Form I-9) on file and separate from the University must complete the Form I-9 upon reemployment.

If an employee is reappointed who previously completed the Form I-9, departmental personnel may update and/or reverify the

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Rehire (cont.)

employee's original Form I-9 by completing **Section 3** (and **Sections 1** and **2** need not be completed) if *all* of the following are true:

- The employee's original I-9 was completed in the online Lookout Services system.
- The employee is reappointed within three years of the initial date of hire.
- The employee is still eligible to work on the same basis; e.g., citizenship, residency, or work authorization; as when the original Form I-9 was completed.

When rehiring an employee, the department has the option of completing a new Form I-9. NOTE: If the rehired employee's original Form I-9 was completed on a paper form, the department must complete a new Form I-9.

Form Version Change

Rehired employees must complete a new Form I-9 if the previous form version has since been replaced by a newer version. The version date is located on the lower right hand corner of the Form I-9.

Grant of Work Authorization Reverification

If the grant of work authorization used to complete the original Form I-9 is about to expire and the employee has received a new grant of work authorization, department personnel must reverify on Form I-9 to employ the person. Reverification must occur no later than the date that the employment authorization (or evidence thereof) expires.

Department personnel must complete the following:

- Record the title, number, and expiration date (if any) of any new documents presented in **Section 3**
- Verify the documents that establish current employment eligibility
- Complete **Section 3**

NOTE: If the original I-9 was completed on a paper or Lookout form, and the employee did not separate from University employment, the department must submit the Form I-9 *in the same format as the original* and with appropriate attachments for reverification to HRS.

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Form Version Change Employees must complete a new Form I-9 if the previous form version has since been replaced by a newer version. The version date is located on the lower right-hand corner of the Form I-9.

MONITORING

Although HRS monitors the work authorization expiration dates for non-U.S. citizens, departmental personnel are also responsible for monitoring the expiration dates.

To ensure uninterrupted employment, the department should start the process for extending an employee's employment eligibility at least two months before the work authorization expiration date.

Eligibility

Employing departments work with the employee, the Office of International Students and Scholars, and HRS to resolve employment eligibility, either with a change in immigration status, an extension of employment eligibility, or termination of employment.

Change in USCIS Status

The Office of International Students and Scholars notifies HRS and Payroll Services when a change in the U.S. Citizenship and Immigration Services (USCIS) status of a University employee occurs.

Termination of Employment

If a non-U.S. citizen's employment eligibility expires with no extension, the employing department works with HRS to process a personnel action through Workday to terminate employment. See *BPPM 55.22* and *60.27*.

Remote Hires

For a new employee who is unable to travel to the department's location to complete the Form I-9, the hiring department should contact HRS to make arrangements for a remote I-9 process. The I-9 form may be completed by a designated WSU representative only.