
I-9/E-VERIFY AND EMPLOYMENT ELIGIBILITY POLICY AND PROCEDURES



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- **Introduction**

In accordance with the Immigration Reform and Control Act of 1986 ("IRCA"), The University of North Carolina at Greensboro must verify employment eligibility of employees. Employment eligibility must be documented using the federal Employment Eligibility Verification (I-9) form, and eligibility must be verified for each employee. The I-9 form lists documents needed to prove employment eligibility. The documents used by the employee to substantiate employment eligibility must be inspected for propriety and authenticity, and an authorized university representative must sign the I-9 form. The IRCA does not apply to employees hired prior to November 7, 1986, who have been continuously on the university's payroll since that date. The Department of Human Resources located at 123 Mossman Bldg, is responsible for managing the employment verification process for The University of North Carolina at Greensboro for all faculty and staff.

The IRCA stipulates that the employment verification process be completed in person, and that verification be completed on the first working day of employment. Penalties for non-compliance can be significant. The procedures described below enable the university to comply with requirements of IRCA.

Effective January 1, 2007 all new employees, which includes faculty, staff, and student workers, not only complete the I-9 form, they must also be cleared by the Department of Homeland Security (DHS) as being eligible to work in the United States. This requirement was enacted by the NC General Assembly at their last session. The program used by the Department of Homeland Security is called the E-Verify Program. It is completed by a representative from Human Resources inputting into a secure DHS web site the information provided by the new employee from the completed I-9 form and their social security number. DHS will respond within seconds whether the person is cleared to work or if they have issues that must be cleared up with either the Social Security Administration or DHS.

*** Note:** The I-9/E-Verify programs can only be done on employees who have a formal offer of employment, not applicants. Employees may complete the I-9 prior to their hire date and the information entered into the E-Verify program on their hire date.

- **I-9/E-Verify Procedures**

- All new employees including but not limited to permanent, time-limited, part-time, seasonal, temporary, and student employees, as of January 1, 2007, will be required to comply with the I-9/E-Verify as mandated by the Immigration Reform and Control Act (IRCA) and State Statute.
- The Department of Human Resources (HRS) will be responsible for the administration of the I-9/E-Verify programs.
- The I-9/E-Verify programs consist of the following employment verification checks and must be completed sequentially within the first three days that a new employee reports to work.
 - Completion of the I-9 form in the department of Human Resources or in the Office of Student Employment for student employees on the first day of work at UNCG. New employees who work in "remote" locations and may never come to campus while working for UNCG will be responsible on their first day of work to sign the I-9 form and notarized statement to HRS. (The I-9 form is available on the UNCG HRS web site or HRS can fax or email a copy to the new employee.) The new employee must immediately send the original I-9 to HRS via US Mail. All costs incurred in this process will be the responsibility of the new employee.
 - Confirmation of employment eligibility via the web base E-Verify program administered by the Department of Homeland Security (DHS) will be given to the employee to give the

departmental liaison. If the employee completes the I-9 form prior to their hire date they will be given a form stating that they completed the I-9 form and that they will be entered into the E-Verify program on the hire date. If a non-confirmation is received the Pre-Employment Coordinator will contact the employee to come to Human Resources and sign the non-confirmation form and will be given a form to be taken to the Social Security Administration or the form to contact the Department of Homeland Security.

- New employees who do not complete the I-9/E-Verify Programs upon reporting to work at UNCG, will be subject to immediate dismissal, however, they will be paid for the actual days worked. Departments that allow an employee to work who has not completed the I-9/E-Verify Programs will be subject to any fines levied or audit findings of the State Office of Budget and Management Planning for noncompliance.
- The I-9's are forwarded to the Pre-Employment Coordinator for verification and completeness. The Pre-Employment Coordinator or a designated person on the Employee Services team will enter the information into the Banner HR system.

- **I-9/E-Verify Step-by-Step Process**

- When a final candidate accepts an offer of employment with UNCG, the offer letter will contain wording that indicates the new employee must report to the Department of Human Resources (HRS) on the first day of work at UNCG or an affiliated off site location. The letter of offer shall also state that failure to appear at the Department of Human Resources during the normal working hours the first day after beginning employment may result in the person's immediate separation from payroll and termination from the University.
- All new employees are to report to HRS during normal operating hours on their first day of work at UNCG to complete the I-9/E-Verify documentation. Departmental representatives who handle new employee paperwork are to ensure the new employee has fulfilled the requirement to appear in HRS to complete the I-9/E-Verify documentation successfully by requiring the new employee to produce a copy of the E-Verify Employment Confirmation print out from the DHS database, that will be provided by the Pre-Employment Coordinator in HRS.
- If an employee fails to appear on the first day of work at HRS to complete the I-9/E-Verify documentation, the Pre-Employment Coordinator, if aware of the employee's presence, will contact the appropriate departmental representative where the new employee works by beginning of the second work day. The Pre-Employment Coordinator will indicate that the new employee must appear in HRS immediately to fulfill this statutory obligation.
- If an employee fails to appear on the second day of work at HRS to complete the I-9/E-Verify documentation, the Pre-Employment Coordinator will contact the Office of the Senior Associate Provost for EHRA positions or the appropriate Vice Chancellor's Office for SHRA positions by the beginning of the third day. The Pre-Employment Coordinator will indicate that the new employee must appear in HRS immediately to fulfill this statutory obligation or be terminated by the end of the third work day.
- If an employee fails to appear on the third day of work at HRS to complete the I-9/E-Verify documentation, the Pre-Employment Coordinator will contact the Office of the Senior Associate Provost for EHRA positions or the appropriate Vice Chancellor's Office for SHRA positions by the beginning of the fourth work day and indicate that the new employee must be terminated immediately. It is totally at the discretion of the Senior Associate Provost or the appropriate Vice Chancellor whether the terminated employee is eligible for rehire at a later date.
- Any department that fails to terminate an employee who is in violation of this policy following the third day of employment will be subject to fines and other possible administrative actions by the Federal Government or the North Carolina State Auditor's Office or other appropriate State Office. Any such fines will be assessed against the departmental budget where the new employee worked. Any adverse administrative actions will be the responsibility of the department director.
- To assist HRS in identifying new employees, the EHRA Personnel Office and SHRA Personnel Department will provide the Pre-Employment Coordinator access to new hire information at least one day prior to start of work via access to appropriate University data bases.
- If a new employee receives a final non-confirmation from SSA or DHS via the E-Verify program, the Pre-Employment Coordinator will notify the appropriate department director and the new employee that he/she will be terminated from employment from UNCG immediately. Any department director that continues to keep a new employee on the UNCG payroll, who has a final non-confirmation from SSA or DHS on payroll, will be subject to the fines outlined in the Memorandum of Understanding between UNCG and DHS and whatever administrative actions are deemed appropriate by DHS and/or the State of North Carolina and/or the University administration, up to and including dismissal from employment.

- I-9 files will be purged once a year for employees whose employment has been terminated for at least one year. This does not include persons who are on an approved leave of absence without pay. As long as an employee continues employment with the University, the I-9 will remain on file.
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