

**Texas Woman's University
University Regulation and Procedure**

Regulation and Procedure Name: Employment Eligibility and Verification

**Regulation and Procedure
Number: URP: 05.250**

Policy Owner: Finance and Administration

POLICY STATEMENT

The purpose of this policy is to provide the Office of Human Resources, Career Services and other campus management with clear guidance on the various record-keeping provisions involved in employment eligibility and verification of a person's right to work in the United States. The Immigration Reform and Control Act ("IRCA") imposes penalties on employers who knowingly hire or continue to employ persons who are not authorized to work in the United States. IRCA requires employers to have all employees complete Section 1 of Form I-9 no later than the first day of employment, examine original documents(s) to establish identity and work eligibility, and complete Section 2 of the form within three business days. Federal law requires employers to follow uniform procedures and imposes additional penalties for improperly completed documents. TWU also participates in the E-Verify program jointly operated by the Department of Homeland Security ("DHS") and the Social Security Administration ("SSA"); overseen by the U.S. Citizenship and Immigration Services ("USCIS") to electronically verify that newly hired employees are eligible to work in the United States.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. Eligibility and Verification

Texas Woman's University is committed to complying with all federal laws and regulations concerning verification of employment eligibility and record keeping for employees hired to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, as amended, and the Eligibility Verification Program, E-verify, it is a condition of employment for all persons hired on or after

November 7, 1986, to provide specific document(s) which verify identity and authorization to work in the United States and for information from those documents to be submitted for authentication. To this end, designated persons in the TWU Office of Human Resources, designated members of the Career Services staff and other designated university representatives have been trained to assist in such compliance. The person extending a job offer must discuss this condition of employment with a prospective employee at the time an offer of hire is made

II. Authority

- A. The Associate Vice President of Human Resources has the authority to implement all procedures and controls to ensure the accurate verification of eligibility for all employees of the university
- B. Responsibility for the timely and accurate completion of I-9 forms, verification of eligibility, and audits of the process lies with the Associate Vice President of Human Resources or with his/her designated representative for all staff and faculty employees. The responsibility for student employees' verification belongs to the Director of Career Services or with his/her designated representative.

III. Remote Hires

- A. When a job offer is made, it should be determined whether the employee will be able to complete this process in person. If the location is such that it will not be possible for them to complete this process in person, the new employee should be advised to contact the designated OHR representative about the process of having an Authorized Agent designated by TWU to complete Section 2, examine original documents, sign an Agent Authorization Form and return all documents to TWU.
- B. Instructions and procedures for the Authorizing Agent are attached as a form to this policy. The Agent will follow the instructions, sign and return the form with the original I-9 and copies of the proof of eligibility documents
- C. The same procedure is to be followed for re-verification for remote location employees:

IV. Training

- A. No one is authorized to accept, review, or sign I-9 forms until they have completed training on the process and have thoroughly reviewed the Handbook for Employers, Publication M-274 I-9 and the Procedures document. Training will be provided on as-need basis.
- B. Authorized users of the E-Verify system must complete a tutorial within E-Verify prior to verifying an employee's eligibility. Additional resources are located in the E-Verify User Manual for Employers.

V. Audits

- A. To ensure I-9 compliance, periodic audits are conducted internally to determine compliance with this policy and with immigration law. Any discrepancies found are to be corrected immediately and noted as corrections on the audit form (copy attached).
- B. To ensure E-verify compliance, an OHR representative will download and audit a log from the E-Verify system that lists all persons who have been verified through the government system for a specified time period. This log will be compared to a list of new hires for the same period and any issues or problems will be resolved immediately. A periodic audit of the process and records will be completed at the same time interval as the I-9 audit.

VI. Retention and Storage of I-9 Forms

- A. Confirming documents for the I-9 form will be copied and attached to the completed I-9 form. Completed I-9 forms for current and terminated employees are stored in files separate from personnel files.

B. Current Employees

All I-9 forms are maintained separate from the employee's personnel file. I-9 storage and access is limited to authorized personnel. All accompanying or additional documents are used only for I-9 purposes. The forms and eligibility documents may not be copied or distributed without authorization from the University's General Counsel.

C. Terminated Employees

I-9 forms for terminated employees are kept for either one year from the date of termination of employment or three years from the date of hire, whichever is later. The forms are also maintained separately from personnel files and in a secured area. The forms are shredded upon expiration of their retention date and listed on the Records Disposition Log.

VII. Rehires

An employee who leaves the University, and is subsequently rehired, must complete a new Form I-9, unless the employee is being rehired within 3 years of completion of the original I-9 Form (and the original I-9 form used is still a valid version of the form) and the employee is still eligible to be employed based upon the same documentation.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a

result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

The final authority on procedures and instructions for completion of I-9s is the most current version of the [Handbook for Employers](#), Publication M-274, published by the U.S Citizenship and Immigration Services.

The final authority on procedures and instructions for completion of the E-Verify process is the most current version of the [E-Verify User Manual for Employers](#), published by the U.S Department of Homeland Security and the Social Security Administration.

FORMS AND TOOLS

[Agent Authorization Form](#)

[I-9 Audit Form](#)

Publication Date:

Next Review: