

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 Texas Woman's University ("TWU" or "University") Office of Human Resources ("OHR") and other University 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 not authorized to work in the United States. Federal law requires employers to follow uniform procedures and imposes additional penalties for improperly completed documents. TWU also participates in the E-Verify program to confirm the eligibility of the employee to work in the United States.

IRCA prohibits the University from refusing to hire any person because of a person's national origin or citizenship status. The University also may not demand more or different documents than an employee presents, as long as the documents presented are acceptable by law. The University is prohibited from hiring an individual who is not authorized to work in the United States.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

1. "Authorized Representative" means an individual designated by the OHR to complete the employer portion and sign the Form I-9.
2. "Documents" means official papers as defined by United States Citizenship and Immigration Services ("USCIS") that establish both identity and employment authorization.
3. "Employee" means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.

4. "E-Verify" means the web-based system that allows businesses to confirm the eligibility of their employees to work in the United States.
5. "First Day of Employment" means the day the individual starts working, regardless of the appointment date.
6. "Form I-9" means the federal document required to verify an individual's identity and employment eligibility.
7. "Rehire" means an employee who leaves the University and subsequently returns to employment with the University.

REGULATION AND PROCEDURE

I. Eligibility and Verification

- A. 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 by TWU to provide specific document(s) for the Form I-9 as defined by U.S. Citizenship and Immigration Services ("USCIS"), which verify identity and authorization to work in the United States and for information from those documents to be submitted for authentication. The TWU OHR and other designated Authorized Representatives are trained to assist in I-9 compliance.
- B. The IRCA requires all employees to complete Section 1 of Form I-9 on or before the first day of employment. OHR or an Authorized Representative will review original documents(s) provided by the employee to establish identity and work eligibility, and complete Section 2 of the Form I-9 within three (3) business days.

II. Responsibility

OHR is responsible for implementing all procedures and controls to ensure standardized eligibility and verification processes, accurate completion of the Form I-9, and uniform I-9 audits.

III. Remote Hires

When a job offer is made, it should be determined whether the employee can complete the Form I-9 in person. If the location is such that it will not be possible for them to complete the Form I-9 in person, the new employee should be advised to contact the designated OHR representative regarding having an Authorized Representative complete the employer portion of the Form I-9, examine original documents, and return the completed Form I-9 to TWU.

IV. Training

- A. No one is authorized to accept, review, or sign a Form I-9 until they have completed training from OHR. Training will be provided on an 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

OHR conducts periodic audits of I-9 forms and E-Verify to determine compliance with this policy, USCIS requirements, and E-Verify compliance. Any discrepancies or other audit findings are to be corrected immediately by OHR.

VI. Retention and Storage of Form I-9

- A. Confirming documents for the Form I-9 will be copied and attached to the completed Form I-9. Completed I-9 forms for current and former employees are stored in files separate from personnel files. I-9 storage and access is limited to authorized personnel. The forms and eligibility documents may not be copied or distributed without authorization from the Office of General Counsel.

- B. Current Employees

Completed I-9 forms for current employees and all accompanying or additional documents are used only for I-9 purposes.

- C. Former Employees

I-9 forms for former employees are kept for either one (1) year from the date of termination of employment or three (3) years from the date of hire, whichever is later. I-9 forms are shredded upon expiration of their retention date.

VII. Rehires

Employees rehired within three (3) years of initially completing the I-9 verification process are not subject to reverification as long as the initial Form I-9 shows that they were authorized to work and that said work authorization has not expired.

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 the Form I-9 is the most current version of the [Form I-9 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

[Form I-9 Handbook for Employers](#)

[I-9 Audit Form](#)

[Specific Documents for Form I-9](#)

[E-Verify User Manual for Employers](#)

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