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| <b>Category:</b>   | Human Resource Admin | <b>INCA Community Services<br/>Personnel Policy</b><br><br> |
| <b>Sub Category:</b>   | New Employees        |  |
| <b>Effective Date:</b>   | 11/6/1986            |  |
| <b>Revised Date:</b>   | 3/2019               |  |
| <b>Forms:</b>  | Form I-9             |  |
| Responsible: Human Resource Director, Program Directors, Supervisors |                      |  |

## Employment Verification (I-9) Policy

### Purpose/Introduction

INCA Community Services, Inc. complies with all laws and regulations related to verifying employment eligibility. The agency utilizes the I-9 form as a basis for determining legal eligibility to work in the United States.

### Policy

It is the policy of INCA Community Services to verify the identity and employment eligibility of all persons hired to work in the United States. Accordingly, Section 1 of the Form I-9 must be completed on or before an employee's first working day and all new employees will be required to complete fully the I-9 verification process and produce the appropriate documentation within three business days of starting work. All offers of employment are contingent upon a candidate's fulfillment of this requirement and failure to do so will result in termination.

### Procedures

Hiring staff will follow the procedures outlined in the [Hiring Policy](#). Upon the successful approval of hiring a new employee, staff are required to have new employees complete the new hire paperwork on or before their first day of work.

### Form I-9 Section 1

New employees are required to complete Section 1 of Form I-9 on the first day of employment or prior to by filling in the correct information, signing, and dating the form. Information must be printed legibility.

A preparer and/or translator may help an employee complete Form I-9. The prepare and/or translator must read the form to the employee, assist them in completing Section 1, and have the employee sign or mark the form where appropriate. The preparer and/or translator must then complete the Preparer and/or Translator Certification block. If the employee used multiple prepares or translators, each subsequent preparer and/or translator must complete a separate Preparer/Translator Certification block on a Form I-9 Supplement and attach the Supplement to the employee's form.

### Form I-9 Section 2

Within three business days of the date employment begins, the employee must present an original document or documents that show their identity and employment authorization. However, if you hire an individual for less than three business days, Section 2 must be completed no later than the first day of employment. The employee must be allowed to choose which document(s) they will present from the Form I-9 Lists of Acceptable Documents. Specifications of which document(s) an employee will present from the list is not allowed.

Physically examine each original document the employee presents to determine if the document reasonably appears to be genuine and relates to the person presenting it. Make sure the person who examines the documents is the same person who attests and signs Section 2.

The employee must be physically present with the document examiner. Examine one selection from List A or a combination of one selection from List B and one selection from List C. If an employee presents a List A document, do not ask or require the employee to present List B or List C documents. If an employee presents List B and List C documents, do not ask or require the employee to present a List A document.

Acceptances is required of any document(s) from the Lists of Acceptable Documents that reasonably appear on their face to be genuine and relate to the person presenting them. Enter the document title, issuing authority, number, and expiration date (if any) in Section 2 from original documents supplied by the employee.

*If copies are made of the documents, do so for all employees, regardless of national origin or citizenship status. Return the original documents to the employee.*

Fill in the date employment begins and information in the certification block. Sign and date Form I-9.

## **Exemptions**

Do not complete a Form I-9 for employees who are:

- Hired on or before Nov. 6, 1986, (or on or before Nov. 27, 2007 if employment is in the Commonwealth of the Northern Mariana Islands (CNMI)) who are continuing in their employment and have a reasonable expectation of employment at all times;
- Employed for casual domestic work in a private home on a sporadic, irregular or intermittent basis;
- Independent contractors;
- Employed by a contractor providing contract services (such as employee leasing or temporary agencies) and are providing labor to you; or
- Not physically working on U.S. soil.

## **Failure to Comply**

Employees may be terminated who fail to produce an acceptable document or documents, or an acceptable receipt for a document within three business days of the date employment begins. Employers that fail to properly complete Form I-9 risk violating section 274A of the INA and are subject to civil money penalties.

## **Reverifying Employment Authorization for Current Employees**

When an employee's employment authorization or, in most cases, employment authorization documentation expires, Human Resources must reverify their employment authorization no later than the date employment authorization expires. Section 3 of Form I-9, or if Section 3 has already been used for a previous re-verification or update, then use Section 3 of a new Form I-9.

Completion of Form I-9 on paper:

- Enter the last name, first name and middle initial from the original Form I-9 at the top of Section 2 leaving the Citizenship/Immigration Status field blank (only for those using Section 3 of a new form);
- Complete Section 3;
- Keep only the second page of the new Form I-9 with the original.

When completing the Form I-9 using a computer, enter the last name, first name and middle initial from the original Form I-9 at the top of Section 3.

When completing Section 3 on a computer and print, Sections 2 and 3 will appear on the same page. The employee must present a document that shows current employment authorization such as any document from List A or List C, including an unrestricted Social Security card.

Employment cannot continue for an employee who cannot provide proof of current employment authorization.

## **Dissemination of Policy**

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.