

UCR Policies and Procedures

Policy Title: Employment Eligibility I-9

Policy Number: 650-28

Responsible Officer:	Associate Vice Chancellor Human Resources
Responsible Office:	Human Resources
Origination Date:	01/03/2017
Date of Revision:	08/21/2018
Date of Last Review:	08/21/2018
Scope:	Employment Eligibility

I. Policy Summary

All U.S. employers, including the University of California (UC), are required to verify the identity and employment authorization of each person hired, complete and retain a Form I-9 Employment Eligibility Verification for each employee, and refrain from discriminating against individuals on the basis of national origin or citizenship.

This policy provides instruction for implementation of these requirements.

II. Definitions

Hire: The beginning of employment in exchange for wages or other remuneration that should be noted on the Form I-9 as the first day of employment.

Notary Public: An individual legally authorized to witness signatures and certify the validity of documents.

Remote Agent: Is a notary, licensed attorney, an individual employed in Human Resources or an agent referred by the University.

Remotely Hired Employee: New employee who will not be physically coming to the campus to complete new hire paperwork prior to beginning employment with the University.

III. Policy

A. Compliance

To comply with the law, the University must verify the identity and employment authorization of each person who is hired; and complete and retain a Form I-9 Employment Eligibility Verification on file (refer to [UCR Local Procedure 80: Staff Personnel Records](#)).

B. System of Record

Effective August 2018, Tracker I-9 Complete (Tracker) will be the repository of all I-9 records. Tracker will be utilized as a system of record, and campus departments/Shared Service Centers (SSC) are responsible for reviewing and verifying all Form I-9 related documents.

IV. Responsibilities

A. Department/Shared Service Center (SSC)

1. Reviews and ensures employees properly complete section one of the Form I-9 within Tracker.
2. Designates an HR/AP staff member to conduct Form I-9 verifications.
3. Ensures employees designated to conduct Form I-9 verifications have been trained to use Tracker, understand USCIS I-9 employment eligibility requirements and the appropriate verification process for new hires and existing employees.
4. Establishes a verification process to ensure verifications are completed within three business days of hire.
 - a. The three (3) business day Form I-9 completion date requirement is triggered by pay or work. Therefore, if an individual is appointed to a position and does not conduct work or receive pay, the three (3) business day period begins when the first day of pay or work occurs.

For example, if an employee begins performing work on Monday, you must review the employee's documentation and complete section 2 on or before Thursday of that week.

- b. When a faculty member is assigned an appointment that allows pay prior to the first day of work, refer to the Academic Personnel Manual for additional guidance on 9/12 Academic Appointments or contact the Office of Academic Personnel.
5. Takes action to discontinue employment of an employee who cannot provide proof of current work authorization by consulting with Employee & Labor Relations, as needed.

B. Employee

1. Complete Section One (1) of Form I-9 by the first day of employment for pay.
2. Present original document(s) that establish identity and employment eligibility within three (3) business days of the date employment begins from the Lists of Acceptable Documents.
 - a. Some documents establish both identity and employment eligibility (List A). Other documents establish identity only (List B) or employment eligibility only (List C).
 - b. Employee must specify which documents will be presented from the Lists of Acceptable documents.
 - c. If an employee is unable to present a required document, the employee must

present an acceptable receipt in lieu of a document noted on the Lists of Acceptable Documents.

- 1) If a receipt in lieu of a document is accepted, the employee must present valid replacement documents within 90 days of the date of hire.
- 2) Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization is not acceptable.

V. Procedures

A. *Employee Designated to Conduct Form I-9 Verification*

An employee designated to review Form I-9's is required to attest under penalty of perjury, that to the best of their knowledge, the individual hired is authorized to work in the United States, and that any documents presented appear to be genuine and related to the individual.

1. Processing a New Hire

a. An employee has two options when using Tracker:

- Complete section 1 of Form I-9 in person using a computer in the hiring department or SSC
- Complete section 1 of Form I-9 using any electronic device with internet access, to link to the Tracker URL provided by the hiring department or SSC

b. Ensure the employee has properly completed section 1 of the Form I-9 in Tracker (refer to the [USCIS Handbook for Employers](#), page 3 and 4).

c. Examine the original, non-laminated document(s) presented by the employee to ensure they are not expired and that they appear to be reasonably genuine. Do not accept expired documents for identification or employment authorization.

d. Contact the Central HR Policy Analyst for assistance if an employee presents a receipt in lieu of a document and the department/SSC is unclear on how to process the information in Tracker.

The following receipts may be acceptable:

- 1) **All employees** – A receipt showing that the employee applied to replace a document that was lost, stolen or damaged.
- 2) **Lawful Permanent Resident only** – The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
- 3) **Refugees only** – Departure portion of Form I-94/I-94A

Note: The department/SSC will be responsible for following up with any employee who submits an acceptable receipt to ensure replacement document(s) are received. The department/SSC will be responsible for examining the original document(s) and completing section two (2).

e. Complete section two (2), including the:

- 1) Document Title (for example, "DL" for Drivers License and "SSA" for Social

Security Administration);

2) Issuing Authority;

3) Additional information box should only be used to note specific items, such as notations that describe special circumstances such as employment authorization extensions for F-1 OPT STEM students, CAP-GAP H1B and H-2A employees continuing employment with the same employer or changing employers.

f. Must not specify which document(s) an employee can present.

g. Must not backdate the Form I-9 under any circumstances.

h. Review and attest, under penalty of perjury, that to the best of their knowledge, the individual hired is authorized to work in the United States.

2. Re-verification: Expiration of Work Authorization Documents

Re-verify the employee's employment eligibility, prior to the expiration date, by confirming the work authorization document is current. Section three (3) of Form I-9 can be used for this process.

Note: Some documents will not have an expiration date, in those instances refer to the USCIS manual or contact the International Students and Scholars Office.

3. Re-verification: Rehire

a. Use the employee's original Form I-9 to document the rehire of an employee who has previously completed a Form I-9 and is rehired, if the employee is:

1) Rehired within three (3) years of the initial date of hire; and

2) Still eligible to work on the same basis as when the original Form I-9 was completed.

If the document(s) used to establish either identity or employment eligibility have expired, the employee will need to provide original, non-laminated document(s) to reestablish both identity and employment eligibility.

3) If no Tracker record exists, complete an historical Form I-9 using the original paper Form I-9 and complete section three (3).

4) If unable to locate the original Form I-9, complete a Form I-9 in Tracker.

b. If an original Form I-9 does not exist in Tracker or in the department/SSC, and the employee was originally hired after November 6, 1986, the department/SSC must complete a Form I-9 in Tracker. However, in section three (3) add notes to explain why a new Form I-9 was completed and upload images of the acceptable identity and employment eligibility documents from the Lists of Acceptable Documents into Tracker.

4. Remote Hire

Note: Remote agents must use Tracker to complete section 2 of the Form I-9.

a. Hiring Department/SSC

- 1) Provides the completed Remote Hire Notary Notice Form & Instructions and the Lists of Acceptable Documents to the employee or sends it directly to the Notary Public.
- 2) Requests that Form I-9 paperwork is completed and signed in the same manner as if the employee was hired at the campus site.
- 3) Requests that all forms and the Remote Hire Notary Notice be returned to the hiring department/SSC responsible for the hire.

b. Remote Agent

Completes the Remote Hire Notary Notice form in its entirety with any electronic device (e.g., computer, cellphone).

- Once complete, the agent must submit an image of the acceptable document(s) by either uploading it into Tracker or sending it via FedEx. Images uploaded via an Apple device (e.g., Mac, iPad or iPhone) will save in Tracker. If an Apple device is not available, the agent must send a copy of the acceptable documents via FedEx to the designated hiring department/SSC.

Note: California Notaries who are not qualified and bonded as immigration consultants under the Business and Professions Code Sections 22440-22449, may not complete or make the certification on Form I-9, even in a non-notarial capacity. Notaries outside of the state of California must adhere to notary rules within their state. For additional information refer to the USCIS Frequently Asked Questions on Remote hires or click this [link](#).

B. E-Verify

As a federal contractor, UC must provide additional certification when new and existing employees are assigned to a qualified federal contract/subcontract that contains the Federal Acquisition Regulation (FAR) clause, referred to as the E-Verify clause.

This process is triggered when the HR Policy Analyst receives a Notice of Award from Research and Economic Development (RED). The HR Policy Analyst completes the E-Verify process in Tracker.

C. Glacier – Non Resident Alien employees only

The University has additional tax compliance reporting obligations with respect to Non Resident Aliens. Glacier is the tool used to manage that process.

In addition to the I-9 and E-Verify process, Non Resident Alien (NRA) employees are responsible for completing information in Glacier. Glacier is an online tax compliance system, which the University uses to collect information, make tax residency and income tax treaty determinations, manage paperwork, maintain data and file reporting statement with the IRS.

1. The Payroll Coordination & Analysis office is responsible for sending the NRA employee a link to log into Glacier.
2. Only NRA employees have the ability to access and update required work authorization data on their profile.
3. NRA employees are responsible for accessing the link, creating a profile and updating their information in the Glacier system. Failure to update the data may impact federal tax exemptions.

D. Records Retention

1. Effective August 27, 2018, the department/SSC is responsible to:
 - a. Image supporting documentation and acceptable documents, and upload the documents into Tracker.
 - b. Return all supporting documents (e.g., Driver's License, Passport, etc.) to the employee after imaging is complete.

Note: The department should not retain copies of the supporting documentation. If Tracker is temporarily unavailable at the time of completing the I-9 process with the employee, the employee designated to conduct the Form I-9 verification may keep copies of the supporting documents temporarily, but only until Tracker becomes available.

- 1) Once Tracker becomes available, a historical I-9 must be created with images of the paper Form I-9 and all supporting documentation, as well as an image of the paper I-9 should be uploaded into Tracker.
 - 2) After the images have been uploaded into Tracker, paper documentation must be destroyed.
2. Tracker administrators are responsible for purging documents in accordance with the UCR Records Retention Schedule.

VI. Contacts

Subject	Contact	Phone	Email
International Students/Employees	International Students and Scholars Office	(951) 827-4113	Kimberly.Gentile@ucr.edu
Policy, E-Verify and Tracker I-9 Complete	Principal HR Analyst	(951) 827-2622	hrpolicy@ucr.edu
Glacier	Payroll Coordination and Analysis	(951) 827-1958	Elena.Valdez@ucr.edu

VIII. Related Information

- A. [PPSM-80: Staff Personnel Records](#)
- B. [UCR Local Procedure 80 - Record Retention](#)
- C. [Form I-9 \(Expires 08/31/2019\)](#)

- D. [Handbook for Employers \(M-274\) \(Revision 01/22/17\)](#)
- E. [Immigration Reform and Control Act of 1986 \(IRCA\)](#)
- F. [Remote Hire Notary Notice Form & Instructions](#)
- G. [State Oath of Allegiance & Patent Form \(UPAY585\)](#)
- H. [USCIS Lists of Acceptable Documents](#)
- J. [UC Records Retention Schedule](#)

IX. Revision History

July 2018 – Language was added to align the campus I-9 employment verification process with UC's transition to Tracker I-9 Complete and Glacier.