

## Illinois State University I-9 Employment Eligibility and Verification Procedure

### I. Background

The Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603, requires employers to verify the identity and employment eligibility of every employee hired to work in the United States after November 6, 1986. The IRCA also requires that all U.S. employers are responsible for the completion and retention of Form I-9 (hereafter “the Form I-9”) for each employee, whether or not the employee is a citizen of the United States. The Form I-9 contains a list of documents acceptable to establish an employee’s employment eligibility and identity.

### II. Purpose

The purpose of this procedure is to ensure that Illinois State University is in compliance with The Immigration Reform and Control Act of 1986 (IRCA). Non-compliance can have serious negative consequences. Failure to complete, retain, and/or make available for inspection the Form I-9, as required by law, may result in monetary penalties for each employee for whom the Form I-9 was not properly completed, retained, and/or made available.

Designated members of ISU staff, i.e., I-9 Processors, have been trained on employment eligibility verification to ensure University compliance with these federal regulations. The University offers training and conducts periodic internal I-9 audits, as the University deems necessary. Hiring departments should always have at least one staff member who has received I-9 training. Individuals responsible for I-9 authorization, who would like either additional specific training or training between regularly scheduled training sessions, should contact Human Resources at (309) 438-8311.

### III. Form I-9 Procedure

**Special Note:** Employees are covered under the State Employee Indemnification Act, 5 ILCS 350/1, *et seq.*. In the event of a lawsuit that arises out of any act or omission occurring within the scope of State employment, including completing I-9 forms in good faith and with lawful intent in the scope of their duties, the employee will be defended by the State.

1. After the offer for employment has been accepted, new employees will report to their designated ISU I-9 Processor on or before their first day of work to complete the Form I-9.

**NOTE:** An employee is any individual compensated for services or labor by an employer whether by payment in the form of wages or other remuneration (such as goods, services, food, or lodging). Employers are not required to complete a Form I-9 for persons who provide labor who are employed by a contractor providing contract services (e.g., employee leasing).

2. I-9 Processor logs onto the Electronic Form I-9 System at [www.formi9.com](http://www.formi9.com).

**NOTE:** Contact Human Resources at (309) 438-8311 to obtain system instructions and login information for the Electronic Form I-9 System.

3. After logging into the system, the I-9 Processor clicks the **Duplicate Search** link to determine if employee has a valid Form I-9 on file with the University.

4. Search for an I-9 by either the employee’s Last Name or Full/Partial Social Security Number (SSN). Search results display:

If	Then
Employee record displays, and <i>Auth. to Work</i> date is: <ul style="list-style-type: none"> <li>• Blank, or</li> <li>• Unexpired</li> </ul>	The employee already has a valid Form I-9 on file. <b>Do not complete a new I-9.</b>
Employee record displays, but <i>Auth. to Work</i> date: <ul style="list-style-type: none"> <li>• Has expired, or</li> <li>• Is about to expire</li> </ul>	<b>Complete a new I-9 in system.</b>
No employee record displays	<b>Complete a new I-9 in system.</b>

5. I-9 Processor provides employee with the **Form I-9 Instructions** for employee to review **before** completing the I-9 form.

**NOTE:** You may view and print the Form I-9 Instructions by clicking the link at the top of the Electronic I-9 Form.

### Complete Section 1—By Employee’s 1<sup>st</sup> Day of Work

The I-9 Processor is responsible for ensuring that Section 1 is timely and properly completed.

6. After the offer of employment has been accepted, but no later than the first day of employment, the I-9 Processor has employee complete Section 1 of the Form I-9. If you hire a person for less than 3 business days, Sections 1 and 2 of the I-9 must be completed at the time of hire – when the employee begins work.

#### Preparer/Translator Certification

If **Section 1** is prepared by a person other than the employee, the I-9 Processor must complete the Preparer/Translator Certification block.

The following fields are **not required** in Section 1:

- Middle Initial
- Maiden Name
- Apartment Number
- Social Security Number

## Complete Section 2–By Employee’s 3<sup>rd</sup> Day of Work

Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. Employee must be physically present when Section 2 is being completed.

**IMPORTANT!** If the employee fails to produce acceptable documents by the third day of work, they are to immediately discontinue working, and the hiring department should contact Human Resources to terminate employment.

7. I-9 Processor refers employee to the list of acceptable documents. The I-9 Processor does not tell the employee which documents to present or which documents are preferable. The employee can present either:
  - One original document from List A,
  - OR-
  - One original document from List B **AND** one original document from List C.

### Document Receipts

If employees are authorized to work, but are unable to present the required document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days to Human Resources, 101 Nelson Smith Building, Phone: (309) 438-8311.

8. I-9 Processor examines the original documents provided by the employee to verify that they are on the list of acceptable documents, that they appear genuine and relate to the employee, and that they evidence the employee's unexpired employment eligibility.

**IMPORTANT!** In accordance with ISU’s I-9 procedure, **do not** photocopy, scan, and/or retain any copies of the completed Form I-9 or any List A, B or C documents. In the Electronic Form I-9 System, **do not** print any PDFs or scan and/or add any “eDocuments”.

9. I-9 Processor fully completes Section 2 “Employer Review and Verification” with the pertinent information from the employee's documents, including document numbers, issuing authority and expiration dates, if any, on or before the employee’s third day of work.
10. I-9 Processor completes **Certification** block by entering the date the employee began work. If date is unknown at time of I-9 completion, then enter today’s date (default).

## Electronically Sign the Form I-9

11. I-9 Processor electronically signs form I-9 in all the required signature blocks:

- **Employee:** In accordance with the federal E-SIGN Act, the I-9 Processor prints an ESignature receipt and gives it to the employee providing the signature at the time of the transaction.
- **Preparer/Translator:** If applicable, complete this signature block and print an ESignature receipt for your records.
- **Employer:** Complete this signature block and print an ESignature receipt for your records.

### Section 3—Updating and Reverification

Human Resources will manage all updates, including name changes, reverifications of work authorization, and tracking of document receipts in the Electronic Form I-9 System. Questions should be directed to Human Resources at 438-8311.