

Title: Verification of Employment Eligibility Policy

Purpose: In accordance with the Immigration Reform and Control Act of 1986 (IRCA), The University of North Carolina at Asheville (UNC Asheville) must verify the employment eligibility of employees. Employment eligibility is documented using the federal Employment Eligibility Verification (I-9) form, and eligibility must be verified for each employee.

Effective January 1, 2007 all state agencies in North Carolina began participating in a mandatory employment verification program called *The Basic Pilot Program*, now named *E-Verify*. Administered by the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA), the program requires state agencies to verify employment eligibility of all newly hired employees after the I-9 Form has been completed.

Scope: This policy applies to all employees without exception: staff, faculty and students, full-time, part-time, temporary, interim and permanent.

Definitions:

Business Day – For the purpose of this policy, a typical business day is defined as Monday – Friday, 8:00 a.m. – 5:00 p.m. except during official university holidays or closures.

Policy: UNC Asheville complies with state and federal laws by complying with IRCA and E-Verify requirements. Under IRCA, an employer may not knowingly hire or continue to employ a person who is not authorized to work in the United States, and penalties for non-compliance can be significant. The *Employment Eligibility Verification Form (I-9)* lists a variety of acceptable documents that would prove employment eligibility. The documents used by the employee to substantiate employment eligibility must be original documents (not copies), must be inspected for authenticity, and only authorized university representatives may sign the I-9 form. An employee who fails to comply with the employment eligibility verification requirements is subject to mandatory dismissal.

The employment verification process must be completed in person. Section 1 of the I-9 Form must be completed on or before the first day of employment (after the offer of employment) and Section 2 must be completed within the first three (3) days of employment.

Procedures:

- I. Completion of I-9 Form – All new employees are to report to the Human Resources Department *on* or before their first day of work, to complete the I-9 paperwork mandated by the Immigration Reform and Control Act (IRCA). New employees may complete the form prior to their first day of work only if the University has extended the conditional offer of employment.
- II. E-Verify Verification – A Human Resources Representative will enter information from the completed I-9 form into the web-based E-Verify system. The system will provide a response on employment eligibility.

III. Non-Compliance and Ineligible Employees

- A. Employee Non-Compliance In Completing Documents – If an employee fails to complete an I-9 during the first three days of employment, the employee is not permitted to work until the proper documentation is submitted and accepted. Consult Human Resources to determine the appropriate action.
- B. Department Non-Compliance – Failure to comply with this policy by, for example, allowing an individual to work for the University when I-9 documentation has not been completed by the 3rd day of employment subjects the University to significant audit findings, penalties and fines. Thus, failure to comply with the policy may result in disciplinary action. Hiring Departments and respective supervisors will be responsible for ensuring that all new employees complete the required verification in Human Resources.
- C. Tentative Nonconfirmation of Employment Eligibility – An individual will receive a tentative nonconfirmation when the Social Security Administration or the Department of Homeland Security was unable to confirm that the individual is authorized to work. A tentative nonconfirmation response does not mean that the individual is not authorized to work. If a tentative nonconfirmation occurs, the Human Resources Department will advise both the individual and the supervisor of the appropriate action required.
- D. Final Nonconfirmation of Employee Eligibility – If an individual receives a final non-confirmation from SSA or DHS via the E-Verify Pilot Program, Employment Services will notify the



appropriate department head and the individual that he or she will be terminated from employment with UNC Asheville immediately.

Any department director who continues to keep an individual on the UNC Asheville payroll when SSA or DHS has issued a final non-confirmation will be subject to the fines outlined in the Memorandum of Understanding between UNC Asheville and DHS, and also to whatever administrative actions are deemed appropriate by DHS and/or the State of North Carolina and/or the University administration, up to and including dismissal from employment.

IV. Records and Files

Each current employee of UNC Asheville must have an I-9 form on file. The I-9 will remain on file as long as an individual is employed by the University. Following employee separation, in accordance with federal and state guidelines, the I-9 will be retained for a period of time and subsequently purged.

Approved: 10/3/07
Next Review: 10/3/09