



POLICY RESOURCES

Human resources services are provided to Marshall University Research Corporation by Marshall University Human Resource Services
207 Old Main, One John Marshall Drive, Huntington, West Virginia 25755
Phone 304.696.6455, FAX 304.696.6844
E-mail human-resources@marshall.edu, Web <http://www.marshall.edu/human-resources>

Applies to:	Marshall University Research Corporation (MURC)
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Marshall University Research Corporation (MURC) complies with U.S. Citizenship and Immigration Services (USCIS) regulations with regard to USCIS Form I-9. All persons to be employed by MURC must be authorized for employment through completion of Form I-9. It is illegal for MURC to employ an individual who has not properly completed Form I-9. Noncompliance with this policy may produce cash fines or penalties (see "Cash Penalties" in Appendix 1 below).

USCIS Form I-9 should be completed when employment is offered. However, USCIS regulations allow an individual 72 hours from time of hire in which to complete Form I-9 (example - If hired on Monday, an individual has until close of business Wednesday in which to complete the form). Responsibility for completion of Form I-9 rests with the employing department. MURC managers and supervisors who review personnel action request forms are required to screen those for proper completion of Form I-9. However, any personnel action reaching MURC without proper completion of Form I-9 will be held in queue pending completion of the form. Electronic notices of non-completion of Form I-9 will be sent by MURC immediately to the key person(s) responsible for that personnel action. If Form I-9 is not completed within the deadline, the personnel action will be returned without processing. This may result in delays in employment and problems with compensation.

Any appropriately-trained regular-status employee of MURC and any member of the Human Resource Services staff, the human resource services provider, may receive and complete USCIS Form I-9 in behalf of a new or prospective employee so long as the form is completed correctly according to the guidelines in Appendix 3 below. The normal routine offices for purposes of completion of USCIS Form I-9 are the MURC administration offices at 14th Floor, Coal Exchange Building, Huntington, West Virginia and Human Resource Services at the address shown at the top of this policy.

USCIS Form I-9 may be completed on-screen and/or printed out in Adobe PDF® format from the Human Resource Services website forms page at <http://www.marshall.edu/human-resources/forms/CISI9link.asp>. Once on the forms page, scroll down to and click USCIS Form I-9.

Information on completed Forms I-9 is recorded in a database approved by MURC under the sponsorship of Human Resource Services. Information about the status of Form I-9 can be obtained by persons with an approved need to know from Human Resource Services.

APPENDIX 1 - DEFINITIONS

USCIS Form I-9: A form published by U.S. Citizenship and Immigration Services (USCIS) that is used to establish eligibility for employment in the United States. A requirement to complete Form I-9 and a prohibition on employing persons who do not have a properly completed Form I-9 are established in the federal Immigration Reform and Control Act of 1986 (IRCA). The form may be viewed on the web by clicking <http://www.marshall.edu/human-resources/forms/CISI9link.asp>. The form is three pages long. The first page consists of instructions. The second page is the actual form that the prospective employee

and the employer complete. The third page is a listing of acceptable documents for purposes of establishing eligibility for employment. The form may be downloaded or printed as necessary. A paper copy of the form may be obtained from one of the offices listed below.

Expiring I-9: A USCIS Form I-9 for which an authorizing document was an expiring visa such that eligibility for employment would end concurrently with the expiration of the visa. An expiring Form I-9 will only authorize employment for the duration of the expiring visa used to establish eligibility.

Non-expiring I-9: A USCIS Form I-9 for which non-expiring documents are used to establish eligibility for employment. A valid driver's license with a photograph may be used as one document necessary to establish eligibility for employment. Even though the driver's license will typically have an expiration date, a Form I-9 for which employment is authorized by a driver's license and another non-expiring document is considered to be non-expiring. A non-expiring Form I-9 may be used to establish eligibility for employment even if the employee is returning to the institution for a subsequent episode of employment even if the latter appointment was not preceded by the completion of a new Form I-9.

Three-Day Deadline: While USCIS Form I-9 should be completed at or before the beginning of employment, an employee has three working days including the date that employment began in which to produce for MURC's review the appropriate documents to establish identity and authorize employment. If more than three working days including the date employment began lapse without this occurring, MURC must terminate the employment of the individual. Individuals employed for three working days or less must have USCIS Form I-9 completed within the term of their employment.

Authorizing Documents: Authorizing documents are those listed on the last page of the USCIS Form I-9 that can be used to prove identify and establish eligibility for employment. Form I-9 requires that either one document from List A OR one document each from Lists B and C (see form at link above) must be tendered for verification by an authorized institutional representative.

Authorized Representative: Due to critical compliance requirements imposed by Form I-9, only appropriate trained and authorized persons may accept and complete these forms. Authorized persons at present are those employed in the MURC administrative offices and the Human Resource Services staff members. Individuals in other offices may be trained and authorized to receive and complete Form I-9 as the need arises.

I-9 Custodian: The office charged with responsibility for physical storage of all USCIS Forms I-9 for MURC. For MURC the Form I-9 custodian is Human Resource Services, 207 Old Main, One John Marshall Drive, Huntington, West Virginia 25755, phone 304.696.6455, e-mail human-resources@marshall.edu.

Cash Penalties: Substantial cash penalties may be levied against MURC by the U.S. Government for noncompliance with the provisions of the Immigration Reform and Control Act (IRCA). Depending upon circumstances, such cash penalties may range from \$250 to \$10,000. Additionally, the Executive Director, MURC, may, depending upon circumstances, impose on employing departments an administrative penalty of up to \$250 for each instance of noncompliance with the requirements for Form I-9 as set forth in this policy. While all parties involved exercise every reasonable effort to ensure a compliant Form I-9 process, the ultimate responsibility for compliance with this regulation rests with the employing department. MURC attaches high importance to compliance.

APPENDIX 2 - AUTHORIZED OFFICES

Offices currently authorized to receive and complete USCIS Form I-9 in behalf of MURC include the following:

MURC Administrative Offices, 14th Floor, Coal Exchange Building, 401 11th Avenue, Huntington, West Virginia, Phone 304.696.2830.

HR-Serv.net, 207 Old Main, One John Marshall Drive, Huntington, West Virginia 25755, Phone 304.696.6455, e-mail human-resources@marshall.edu.

APPENDIX 3 - COMPLETING USCIS FORM I-9

The on-line version of USCIS Form I-9 may be consulted as necessary to clarify the completion process as set forth below. The form can be accessed at <http://www.marshall.edu/human-resources/forms/CISI9link.asp>. Form I-9 is completed in several steps:

STEP 1: Assuming that a prospective MURC employee has appeared in person at a designated office, the authorized representative should first ask the prospective employee if they have filled out a Form I-9 for MURC within the *last three years*. In certain circumstances, the Form I-9 is non-expiring and may be used for a subsequent episode of employment (a) if the Form I-9 is less than three years old and still in the possession of MURC or Human Resource Services and (b) if the Form I-9 is suitably recorded in the database authorized by MURC.

IF the Form I-9 was completed within the last three years and IF it is in the possession of MURC or Human Resource Services, and/or if it was recorded successfully in the database authorized by MURC, and IF, in the case of an expiring Form I-9 it still has sufficient time remaining on it to cover the current episode of employment in its entirety, the prospective employee does not have to complete a new Form I-9. If *any* of the conditions above are not satisfied, the individual will have to complete a new Form I-9. If it is necessary to complete a new Form I-9 it is accomplished in the following steps:

STEP 2: Again assuming the prospective employee appears in person at one of the designated offices listed above, he/she brings with them or requests a copy of and completes USCIS Form I-9 Section 1 down to and including the line captioned "Employee's Signature." If a prospective employee is assisted by anyone not associated with MURC in completing their Form I-9, that individual completes the remaining block in Section 1 below the employee signature block.

In Section 1 the prospective employee should print his/her legal name. Do not enter a nickname. The individual's maiden name should be entered as appropriate. For persons with multiple addresses, the address, city, state, and ZIP code entered should be the one to which a withholding statement, Form W-2, would be mailed to. Date of birth and Social Security number should be entered. The individual should check the appropriate block among the choices for status. The prospective employee should sign the Form I-9 with their legal signature. The date the form is signed should be entered.

If no other person is assisting the individual in completing the Form I-9, input into Section 1 is complete. If a preparer or translator is assisting the individual in the completion of Form I-9, they should complete the two lines of information appearing below the prospective employee's signature. Otherwise, these fields can be left blank.

STEP 3: An authorized representative of MURC then completes Section 2 of USCIS Form I-9. This involves the tender by the prospective employee of document(s) sufficient to establish identity and to authorize employment. Various sets of documents may be tendered to satisfy this requirement. The list of acceptable documents and their combinations appears on the back of the Form I-9.

The prospective employee needs to provide ONE document from List A OR ONE document EACH from Lists B and C. MURC cannot stipulate which documents are offered. That is up to the prospective employee. However, the authorized representative of MURC can determine the acceptability of those offered by the prospective employee. No other combination of documents are allowed. For example, a

prospective employee may not offer two documents from List C in lieu of one document each from List B and List C.

MURC's authorized representative will record in the appropriate blocks information about the documents tendered. If one document from List A is offered, the representative will write in the appropriate spaces (1) the document title (example - U.S. Passport); (2) the issuing authority (example - U.S. Government); (3) the document number (if a number is discernible); and (4) the expiration date if any of the document. Spaces for an additional document from List A may appear on Form I-9. It is not necessary to fill out more fields than necessary for the one document tendered.

If one document from List B and one document from List C are offered, the authorized representative will write in the appropriate spaces the following information about EACH document: (a) document title (example - Driver's License); (b) issuing authority (example - State of West Virginia); (c) document number (example - driver's license number); and (d) the expiration date as appropriate (example - a Social Security card is non-expiring).

It is *critically* important that the information entered in the appropriate fields for authorizing documentation is correct and complete. The USCIS regulations do not require that the documents offered to establish identity and authorize employment be copied, but the regulations do prohibit selective copying of the authorizing documents, particularly since prospective employees might be selected for document copying on a discriminatory basis. To avoid this problem, it is the official policy of MURC to encourage the creation and attachment to Form I-9 of copies of the authorizing documents. Authorized representatives are encouraged to provide legible copies. Some authorizing documents may not copy well. Illegible attachments will be of limited use. If authorized representatives cannot make copies of authorizing documents for whatever reason, a completed Form I-9 without copies of authorizing documentation is acceptable.

The authorized representative should enter in the appropriate block in Section 2 the date that the person began work or will begin work. Every reasonable effort should be made to conclude the Form I-9 before the person begins work or concurrently with the beginning of work. The authorized representative should then sign Form I-9, print their own name and title. The name and address of the organization should be entered as follows: Marshall University Research Corporation (MURC), 14th Floor, Coal Exchange Building, 11th Street, Huntington, West Virginia (even if an HR-Serv.net team member completes the Form I-9).

STEP 4: The authorized representative should indicate to the prospective employee that the Form I-9 is completed, thank them on behalf of MURC, and ask if they have any questions. Any authorizing documents tendered by the prospective employee should be returned to them.

STEP 5: If the Form I-9 is completed at any location other than the MURC Administrative Offices, the authorized representative should *as soon as possible* (1) FAX a copy of the Form I-9 and any attached documentation to the MURC Administrative Offices at 304.697.2770, and (2) forward the original of the Form I-9 and any attachments (a) via campus mail or U.S. mail to MURC, 14th Floor, Coal Exchange Building, 401 11th Street, Huntington, West Virginia 25701. While not legally required to do so, the submitting office is encouraged to make and keep a copy of the Form I-9 in the event of loss or mis-delivery of the original.

Personnel action requests that create new employment for which the completion of Form I-9 is required, cannot be processed by MURC administration until the Form I-9 is received by that office.

Information and assistance on the completion of USCIS Form I-9 may be obtained by contacting the Human Resource Services staff at 304.696.6455 or by e-mail to human-resources@marshall.edu. The MURC administration is responsible for making available for audit purposes as required paper copies of Form I-9.

HUMAN RESOURCE SERVICES POLICIES AND PROCEDURES PROVIDED FOR MARSHALL UNIVERSITY RESEARCH CORPORATION (MURC) APPEAR ON THE MURC WEB SITE. TO NAVIGATE TO THE HUMAN RESOURCES POLICIES AND PROCEDURES, PLEASE CLICK **HUMAN RESOURCES** ON THE MURC HOME PAGE AT <http://www.marshall.edu/murc/>. MARSHALL UNIVERSITY HUMAN RESOURCE SERVICES PROVIDES HUMAN RESOURCES SUPPORT TO MURC. THIS POLICY IS COPYRIGHTED BY MARSHALL UNIVERSITY. FOR ANY QUESTIONS ON THIS POLICY, PLEASE CONTACT HUMAN RESOURCE SERVICES AT THE ADDRESS AT THE TOP OF THIS POLICY.

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