



## University Operating Procedure

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### I-9

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#### Overview

The Immigration Reform and Control Act of 1986 requires that all new and re-hired employees of The University of Vermont complete, sign, and date the first section of the Employment Eligibility Verification Form (I-9) (<http://www.uscis.gov/files/form/i-9.pdf>) on or before their first day of employment. Each employee's documents must be reviewed and Section 2 of the Form I-9 completed by an Authorized University Representative within three business days of the first day of work. Employees who do not complete the I-9 form within the legally required timeframe are not eligible to earn salary or wages and will not be permitted to continue working at the University until the form is completed.

The following procedures apply to all employees required to complete the employee section of the I-9 form, as well as to the Authorized University Representatives who are responsible for completing the employer section. In addition to providing guidance on the completion of the form, these procedures also describe its transmission and retention.

#### Procedures

##### I. Generally Applicable Procedures:

The I-9 form (<http://www.uscis.gov/files/form/i-9.pdf>) must be completed for all employees who perform any work for the University for any type of remuneration (pay, room/board or other benefits). The University is not responsible for completing the I-9 form for independent contractors or for individuals performing labor for the University who are employees of a contractor (for example, Sodexo employees, temporary staff hired through a temporary employment agency).

The University is not responsible for completing an I-9 form for employees who will perform all of their duties for the University outside of the United States. However, if such an employee later travels to the United States and is performing work for the University while in the United States, an I-9 form must be completed for that employee.

The following procedures apply to all other faculty and staff of the University:

- a. The **employee** portion of the I-9 form (Section 1) must be completed by the employee before the end of the first day of employment. Section 1 may be completed before an employee begins work, but should never be completed before the employee has accepted a job offer.
- b. The **first day of employment** is the day an employee starts working, regardless of the appointment or hiring date.
- c. The **employer** portion of the I-9 form (Section 2), including physical review of the employee's original documents, must be completed by a trained and Authorized University Representative no later than the end of the third day of employment.
- d. Preparer **and/or Translator Section of the I-9 form:** The Preparer and/or Translator portion of Section 1 of the I-9 form should be completed only when the newly hired individual requires assistance completing Section 1 or when the new hire requires a translator to complete Section 1. In either case, the preparer and/or translator must complete this part of the form and attest under penalty of perjury that the information in Section 1 is true and correct to the best of his or her knowledge. The new employee must also sign Section 1.
- e. The Authorized University Representative who completes Section 2 of the I-9 form must **forward the form to Human Resource Services (HRS)** within three business days of the end of the third day of employment. HRS reviews the content of the form to ensure it is completed appropriately, and the form is included in the packet of information that is used to create the employment record. HRS forwards the completed I-9 form to Payroll Services.
- f. **Payroll Services** will record the completed I-9 form in PeopleSoft. If the I-9 form has not been recorded in PeopleSoft, Payroll Services will notify the employee to come to Payroll Services to pick up the paycheck, and the I-9 form will be completed at that time.
- g. **Re-verification:** Section 3 of the I-9 form must be completed when (1) there is a name change due to a marriage or divorce, or (2) when documents expire that were presented to verify authorization to work in the United States by an employee who is not a United States citizen or lawful permanent resident. HRS will track when documents expire that were used to verify authorization to work in the United States by an employee who is not a United States citizen or lawful permanent resident. HRS will notify the employee that their I-9 status requires re-verification **prior** to the expiration of the current work authorization or the resumption of employment. Re-verification requires examination of List A or List C documents. [**Note:** An expired passport of a United States citizen or an expired "green card" of a lawful permanent resident **does not** require re-verification of employment eligibility.]
- h. **Rehires:** An employee who leaves employment with the University, regardless of the length of separation, who is subsequently rehired, must complete a new I-9 form,

unless the employee is being re-hired within 3 years of completion of the original I-9 form and is still eligible to be employed based upon the original documentation. In these cases, Section 3 of the I-9 form must be completed. Authorized leaves of absence or short-term interruption of employment, where continued employment is assured, do not require re-verification or a new I-9 form when the employee returns to duty.

It is the responsibility of Authorized University Representatives, trained and designated by Human Resource Services (HRS), to ensure that the I-9 form is filled out completely and accurately. Authorized University Representatives will act in accordance with all requirements specified in the *United States Citizenship and Immigration Services I-9 Handbook for Employers* (<http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>). HRS, with assistance from the Office of General Counsel, will conduct mandatory training of all Authorized University Representatives to complete the I-9 form on behalf of the University.

## **II. Procedures for Full-time and Part-time Faculty**

Once a new faculty member accepts an appointment, the hiring unit will provide information related to employment at the University, including the I-9 form and instructions for completing the form. Newly hired faculty members must complete Section 1 of the I-9 form on or before the first day of performing service for pay for the University. The faculty member must sign and date Section 1, and submit it after acceptance of employment, either by mail or in person to the Authorized University Representative on the first day of employment.

- If the faculty member attends New Faculty Orientation, the I-9 form will be completed in coordination with Authorized University Representatives who are present during orientation.
- If the faculty member does not attend New Faculty Orientation, the hiring department must ensure that the faculty member has made an appointment with the Authorized University Representative in the department or in HRS to review and verify I-9 documentation before the end of the third day of employment.

In all cases, the completed I-9 form is forwarded to HRS without delay. HRS will confirm that the I-9 form is complete and forward the I-9 form to Payroll Services. Payroll Services will record the form in PeopleSoft. If the faculty member commences employment before being physically present at the University, the procedure that must be followed for completion of the I-9 form is found under “Remote Hires” (see below).

## **III. Procedures for Staff<sup>1</sup> and Officers of Administration**

The procedures for staff members set forth below apply to all staff of the University, full-time and part-time classified staff, and non-agency temporary staff. These procedures also apply to all administrative positions at the University, including Officers of Administration.

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<sup>1</sup> Includes Postdoctoral Associates

All newly hired administrators and staff must attend new employee benefits orientation on their first day of employment, where they will enroll in benefits for which they are eligible and complete all federal and state employment forms, including the I-9 form. New employee orientation is scheduled every Monday throughout the year or on Tuesdays of weeks when there is a Monday holiday.

Senior-level administrators who do not attend a regular staff benefits orientation program must meet with authorized HRS personnel on their first day of service to complete required employment forms, including the I-9 form. In all cases, employees will complete Section 1 and present documents to verify employment authorization. Authorized University Representatives will review and verify the documentation, complete, sign and date Section 2 of the form. Confirmation that the form is complete will then be recorded in PeopleSoft.

#### **IV. Procedures for International Faculty and Staff**

All newly hired faculty and staff employees, including foreign national employees, must attend new employee benefits orientation on their first day of employment, where they will complete Section 1 of the I-9 form, as described in Sections I and II, above. In all cases, employees will complete Section 1 and present documents to verify employment authorization. Authorized University Representatives in HRS will review and verify the documentation, complete, sign and date Section 2 of the form. Confirmation that the form is complete will then be recorded in PeopleSoft. In accordance with the Payments to Nonresident Aliens Policy, if the new employee indicates on Form I-9 that he or she is not a U.S. citizen or a permanent resident alien (an "other alien authorized to work until"), the representative responsible for administering and certifying Form I-9 is responsible for giving the new employee an International Information Form to complete, to determine his or her U.S. residency status for tax purposes, and forwarding such form to Tax Administration, 333 Waterman.

#### **V. Procedures for Graduate Students and Teaching Assistants**

All Graduate Students who are U.S. citizens, refugees or lawful permanent residents and will be employed by the University, including employment in labs, supporting research, as teaching assistants or other employment related to their status as a graduate student, must be approved for any employment for which they are compensated through the University payroll. These students will receive the I-9 form with instructions regarding completion from the Authorized University Representative of the College or School

International Graduate Students who are not citizens, refugees or lawful permanent residents, and will be employed by the University, will attend international student orientation with designated staff of the Office of International Education, where they will receive the I-9 form with instructions regarding completion. Graduate students who commence work prior to international student orientation must complete their I-9 form from an Authorized University Representative in HRS. It is the responsibility of the hiring department to ensure the I-9 completion timeline requirements (I.a. and I.c.) are met. In accordance with the Payments to Nonresident Aliens Policy, the Office of International Education shall facilitate completion of the International Information Form during international student orientation, and forward such form(s) to Tax Administration, 333 Waterman.

## VI. Procedures for Undergraduate Student Employees

Undergraduate students hired for any UVM position, regardless of the nature of the job or source of funding, must receive approval of employment through the Student Employment Office (SEO). No student is permitted to work until eligibility to work has been established by completion and verification of the I-9 form, on or before the first day of work. An existing I-9 form is considered valid *only* when work authorization documentation that has been verified on an existing I-9 form is not expired *and* a student has been employed and received a paycheck within the past 12 months. SEO will advise students what is required of them.

- In departments that hire a large number of student employees, students may go to the Authorized University Representative in the department, as determined by the SEO and HRS annually, to complete the Form I-9. Students will complete Section 1 and the Authorized University Representative will examine and verify the student's documents, then sign and date Section 2. The I-9 form will then be forwarded to HRS where confirmation that the form is complete will be recorded in PeopleSoft.
- For student employees who do not work in a department that hires a large number of students, each student employee will complete Section 1 and an Authorized University Representative in HRS or Payroll Services will examine and verify the student's documents, sign and date Section 2, then record confirmation in PeopleSoft that the I-9 form is complete.
- In accordance with the Payments to Nonresident Aliens Policy, the Office of International Education shall facilitate completion of the International Information Form during international student orientation, and forward such form(s) to Tax Administration, 333 Waterman.

## VII. Procedures for Remote Hires

When a University employee who resides in a remote location will be working from that remote location and will not be physically present on the main campus of the University or any University owned or controlled property for work, special procedures apply. These procedures pertain only where it is not feasible for the employee to travel to the University to complete the I-9 form and the verification process in person and if no Authorized University Representative is physically present where the employee resides and/or will be performing work.

Newly hired employees in such remote locations may seek the services of a licensed Notary Public, an attorney, or state employment office personnel, for the purpose of completing the I-9 form. The employee must contact the HRS Executive Director of Benefits and Operations or his/her designee to obtain a Notary/Authorized Agent form, with instructions for completion of the verification process, and must provide the form and instructions to the Notary. As a designated agent for the University for I-9 compliance, the Notary must fax the completed I-9 form, the Notary/Authorized Agent Form, and a copy of the verification document(s) to Human Resource Services at (802) 656-3476. An authorized representative in HRS will print the I-9 form and the Notary/Authorized Agent Form and record confirmation in PeopleSoft that the I-9 form is complete.

## **VIII. Corrections and Changes to the I-9 Form**

Incorrect information on the I-9 form may result in fines imposed on the University and must be corrected promptly after the error is identified. If an employee has made an error on information in Section 1, the employee must contact HRS in order to correct the error. Authorized University Representatives who find an error in Section 1 must require the employee to make the correction. Only the employee may make corrections to Section 1 of the I-9 form. The employee may not delete information on the form, but must cross-out incorrect information and write in correct information. The employee must then initial and date the corrected information on the form. If the University becomes aware of an error in Section 2 or Section 3, an Authorized University Representative must draw a line through the incorrect information, write the correct information on the I-9 form, initial and date the correction.

## **IX. Effect of Expiration of Work Authorization Documents**

If documents produced for employment authorization in List A or List C expire and the employee cannot produce either a current, valid document or verification that an extension to work authorization is filed and pending with the USCIS, the employee may not continue to work for the University past the expiration date. All such situations will be coordinated by HRS with OIE to ensure that (1) the employee receives adequate notice of termination date; (2) the employment is effectively terminated; and (3) records are accurate with regard to termination.

## **X. Retention and Storage of I-9 Forms**

The law requires employers to properly complete and retain an I-9 form for every current employee hired after November 6, 1986. These documents must be maintained and made available for internal audit. The documents must also be maintained and made available for inspection by officers of the U.S. Office of Homeland Security, employees of the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the U.S. Department of Justice or officials of the U.S. Department of Labor. If an external government agency requests review of documents, University employees must follow the procedures in the University Operating Procedure on Government Reviews:

[http://www.uvm.edu/policies/general\\_html/govreviews.pdf](http://www.uvm.edu/policies/general_html/govreviews.pdf)

I-9 forms for employees who have terminated employment with the University must be kept for either one year from the date of termination of employment or three years from the date of hire, whichever is longer. The I-9 form will be retained electronically by HRS, in a separate section of the employee file, for the required period of time. The electronic storage system shall include:

- Controls to ensure the integrity, accuracy and reliability of the electronic storage system;
- Controls to detect and prevent the unauthorized or accidental creation of, addition to, alteration of, deletion of or deterioration of an electronically stored Form I-9, including the electronic signature, if used.

- Controls to ensure an audit trail so that **any** alteration or change to the form since its creation is electronically stored and can be accessed by an appropriate government agency inspecting the forms.
- An inspection and quality assurance program that regularly evaluates the electronic generation or storage system, and includes periodic checks of electronically stored Forms I-9, including the electronic signature, if used.
- A detailed index of all data so that any particular record can be accessed immediately.
- Assurance of a high degree of legibility and readability of documents when displayed on a video display terminal or reproduced on paper.

## Definitions

*Authorized University Representative:* University departmental personnel, trained and authorized by HRS, to ensure that the Form I-9 is filled out completely and accurately according to the most current version of The United States Citizenship and Immigration Services I-9 Handbook for Employers (<http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>).

*Employee:* 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) who is not an independent contractor.

*United States:* The continental United States (including the District of Columbia), Alaska, Hawaii, Puerto Rico, Guam, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands.

*USCIS:* U.S. Citizenship and Immigration Services.

## Contacts/Responsible Official

Questions related to the daily operational interpretation of this procedure should be directed to:

HRS Director of Operations  
(802) 656-3150  
[HRSInfo@uvm.edu](mailto:HRSInfo@uvm.edu)

The HRS Director of Operations is the official responsible for the interpretation and administration of this procedure.

## Forms

Form I-9, Employment Eligibility Verification

<http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>

Form I-9 Section 1 Employee Information and Attestation (with instructions for completing)

<http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>

Form I-9 Section 2 Employer Review and Verification (with instructions for completing)

<http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>

International Information Form (formerly Alien Information Collection Form)

<https://www.uvm.edu/sites/default/files/Division-of-Finance/Forms/internationalinformationform.pdf>

Notary/Authorized Agent form

[http://www.uvm.edu/policies/hr/related\\_docs/I-9UVMRemoteHireNotice.pdf](http://www.uvm.edu/policies/hr/related_docs/I-9UVMRemoteHireNotice.pdf)

Notary/Authorized Agent instructions

[http://www.uvm.edu/policies/hr/related\\_docs/I-9UVMremote.hire.instructions.pdf](http://www.uvm.edu/policies/hr/related_docs/I-9UVMremote.hire.instructions.pdf)

## **Related Documents/Policies**

Employee vs. Independent Contractor Policy

<https://www.uvm.edu/policies/acct/indcontract.pdf>

U.S. Citizenship and Immigration Services Handbook for Employers

<http://www.uscis.gov/sites/default/files/files/form/m-274.pdf>

## **Effective Date**

Approved by the Vice President for Human Resources, Diversity and Multicultural Affairs

June 5, 2015