

	MOREHOUSE SCHOOL OF MEDICINE HUMAN RESOURCES POLICY AND PROCEDURE MANUAL	POLICY NUMBER	HR 2.01
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	<u>SUBJECT</u> EMPLOYMENT ELIGIBILITY AND VERIFICATION POLICY	SUPERSEDES	12-01-1997

PURPOSE

Morehouse School of Medicine is committed to complying with federal laws concerning employment eligibility and record keeping for employees hired to work in the United States.

APPLICABILITY

This policy applies to all employees of MSM.

POLICY

In accordance with the Immigration Reform and Control Act of 1986 ("IRCA"), U.S. employers are required to verify the employment eligibility and identity of every employee hired after November 6, 1986. Employment eligibility must be documented using the federal Employment Eligibility Verification Form (I-9).

In addition, MSM is a participant in the E-Verify program established by the Department of Homeland Security ("DHS") in partnership with the Social Security Administration ("SSA") to aid employers in verifying the employment eligibility of all newly hired employees. MSM's participation in the program does not exempt the School from the obligation to complete a Form I-9 for everyone hired. All new hires will be required to complete a Form I-9, as well as be verified for employment through the government's E-Verify system.

Federal regulations require that **all employees**, including those hired on a temporary basis, must complete Section 1 of the Form I-9 **no sooner than a job offer has been accepted and no later than the first day of employment.**

The Human Resources Department must certify documents establishing the employee's identity and eligibility to work by completing Section 2 of the Form I-9. The types of documentation that are acceptable are those given on the "List of Acceptable Documents" on page 2 of the Form I-9.

The employee can present either:

1. Any document or set of documents from List A; or
2. A document from List B (identity) AND a document from List C (eligibility).

Documents are examined for authenticity and an authorized MSM representative must sign the Form I-9. You must present **original** documents. Faxes, photocopies and laminated Social Security Cards are not acceptable for verification of employment eligibility. The authorized MSM representative must complete Section 2 of the Form I-9 and use the Checklist for Completing I-9 Forms, within three (3) business days of the date employment begins. If employees are authorized to work but are unable to present the required documents within three business days, they must present a receipt for application of the document(s) within those three business days and the actual document(s) within 90 days.

If MSM hires individuals for duration of less than three business days, Section 2 of the Form I-9 must be completed at the time employment begins.

If the employee cannot present documents establishing work authorization and/or identity by the third business day of beginning employment, the employee and his/her supervisor must be informed immediately that the employee may not continue performing duties or services and will be taken off of the MSM payroll. The employee may return to work as soon as he or she presents acceptable documents verifying work eligibility and identity. **Continued failure of the employee to submit the required I-9 documentation will result in termination of employment.**

RE-VERIFICATION

MSM is not required to re-verify documents or re-execute the Form I-9 in instances when the employee has been away from the work force or has a change in status but is continuing employment. Examples include:

- approved paid or unpaid leave of absence;
- promotion/demotion;
- transfer;
- change in type of employment.

Rehire of an employee within three years after termination, and during the period that the Form I-9 is required to be retained, requires reconfirmation of the information on the Form I-9. Employment eligibility and identity must also be rechecked. If the information remains the same, no new Form I-9 is needed.

When an employee's work authorization expires, the School must re-verify the person's employment eligibility. The employee must present a document that shows either an extension of the employee's initial employment authorization or new work authorization. Section 3 of the Form I-9 may be used to record re-verification. If the employee cannot provide proof of current work authorization, the School cannot continue to employ that person.

RECORDS RETENTION

The Form I-9 is the only document MSM is required to have on file. However, it will be the School's practice to copy the documents used for verification of identity and employment eligibility and attach them to the Form I-9, along with the Checklist for Completing I-9 Forms.

All Form I-9s should be maintained in separate files in alphabetical order. The Form I-9 should never be filed in the employee's official personnel folder. Form I-9s must be retained for three years after the hire date or one year after the termination date, whichever is later. Form I-9s for terminated employees should be maintained separately.

E-VERIFY

As stated above, MSM is enrolled in and actively participates in the Department of Homeland Security's employment eligibility verification system known as E-Verify. In addition to the I-9 process completed by each employee and MSM, the school will also confirm each employee's employment eligibility via the E-Verify system. E-Verify must be completed for all new hires at MSM.

E-Verify should only be completed after Form I-9 has been completed by the employee and MSM. However, E-Verify must be completed no later than the 3rd business day after the employee has begun employment with MSM. If the employee does not have a social security number but is able to complete Form I-9, then MSM must complete the E-Verify process for such employee within three days of the employee receiving their social security number from the Social Security Administration.

In most cases, upon submission of the employee's information, the system will generate an "Employment Authorized" response, which confirms the employees' eligibility to work at MSM. In some instances, the system will provide a "DHS Verification in Process" response. Generally, under these circumstances, it can take up to three business days for the system to generate a final response and the system should be checked daily for updates.

In rare cases, the system will generate an "SSA Tentative Nonconfirmation" response. In these instances, the process should be immediately escalated to the Office of General Counsel or the Associate Vice President of Human Resources. The MSM administrator should print the "Notice to Employee of Tentative Nonconfirmation" and review the notice with the employee. The employee should be advised that he/she can contest or not contest the nonconfirmation finding. A failure to contest will likely result in the system declining the individual and the individual being unable to continue in employment at MSM. The signed notice should be placed in the employee's I-9 file.

If the employee wishes to contest the nonconfirmation finding, the MSM administrator should initiate a DHS/SSA referral within the E-Verify system and refer the employee to the SSA or DHS as appropriate.¹ Once the employee has made contact with the appropriate agency, his/her status will be updated in the system. Once a final resolution is achieved, whether positively or negatively, the MSM administrator must complete the matter in E-Verify by following the appropriate steps in the system.

¹ SSA would be appropriate for nonconfirmation matters caused by a social security number issue; DHS would be appropriate with regard to nonconfirmation matters caused by an individual's immigration status.