

## UNIVERSITY OPERATING PROCEDURE

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**Title:** I-9

### Overview

The Immigration Reform and Control Act of 1986 requires that all new and re-hired employees of The University of Vermont fully execute an Employment Eligibility Verification Form (I-9) on or before their Hire Date. It further requires that each employee's documents be reviewed and Section 2 of the Form I-9 be completed by an Authorized University Representative within three business days of the employee's Hire Date. Employees who do not complete the I-9 form within the legally required timeframe are not eligible to work or be present in the workplace.

### Applicability of the Procedure

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.

### Definitions

**Authorized University Representative (AUR):** 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](#)

**Employee:** An employee is any individual, who is not an independent contractor, and who is compensated for services or labor by an employer whether by payment in the form of wages or other remuneration (such as a goods, services, food, lodging, or a student stipend).

**E-Verify:** E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. The University of Vermont only uses E-Verify for positions tied to specific federal contracts. The University is not considered an "e-verify employer" as it is not utilized for all University hires.

**Hire Date:** The actual commencement of employment of an employee for wages or other remuneration.

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: The United States Citizenship and Immigration Service. <https://www.uscis.gov/>

## Procedures

### General:

The [I-9 form](#) must be completed for any Employee.

Exceptions: 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).
- employees who will perform all of their duties for the University outside of the United States. Please confirm with Human Resources Services that the employee has pre-approval for telework from outside of the United States in compliance with the University Operating Procedure: "Telework Procedures." 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.

### Standard I-9 Procedures:

- The **employee** portion of the I-9 form (Section 1) must be completed by the employee before the end of the day on the Hire Date. Section 1 may be completed before the Hire Date, but only after the employee has accepted a job offer.
- The **employer** portion of the I-9 form (Section 2), including physical review of the employee's acceptable documents, must be completed by a trained Authorized University Representative (AUR) within the three business days following the Hire Date. AURs may only complete section 2 of the I-9 if the employee indicates in Section 1 that they are a citizen or permanent resident of the United States. If the employee indicates otherwise, see procedures for International Employees listed below.
- The Authorized University Representative who completes Section 2 of the I-9 form must **forward the form to Human Resource Services (HRS)** within five business days of the employee's Hire Date. HRS will review the content of the form to ensure it is completed appropriately.
- Federal regulation specifies **retention requirements** for I-9's and, as such, HRS has developed internal department processes for retaining the I-9 that are in compliance with [federal guidelines](#). Contact HRS with questions.
- **Tracking of I-9s on file.** Upon receipt of a valid I-9, HRS will record in PeopleSoft that the employee is eligible to work in the United States. If the I-9 form has not been recorded in PeopleSoft within five business days of their Hire Date. HRS will notify the employee, the employee's supervisor and the department's human resource representative. This notification will indicate that the employee is not eligible to work or be present in the work place until HRS receives a valid I-9.

- It is the hiring department's responsibility to ensure that an employee has a valid I-9 on file as described above.
- 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 the requirements specified in the [United States Citizenship and Immigration Services I-9 Handbook for Employers](#).
- See [UVM's Checklist for I-9 Verifiers](#) for general instructions on how to accurately complete fields in Sections 1, 2 and 3 of the form I-9.

#### **Undergraduate Student Employees:**

In addition to the standard I-9 processes:

- Undergraduate students hired for any hourly, non-exempt student employee or work study position at UVM who receive wages or other non-scholarship compensation for services, including student leaders/interns with an approved stipend, and regardless of the nature of the job or source of funding, must receive approval of employment through the Student Employment Office (SEO). This approval constitutes the student's offer of employment. SEO will send notification of approval to the employee, along with details regarding student I-9 processes.
- **Student Rehire Rule:** If a student employee is rehired into a student employee position within 12 months of the date they most recently separated from their previous student employee position at the University, the original I-9 will be considered valid. AURs are responsible to perform an I-9 query to determine whether the student has a valid I-9 on file.

#### **International Employees:**

In addition to the standard I-9 processes:

- Payroll & Tax Services requires that international employees provide data in the Foreign National Information System (FNIS). The Office of International Education assists with this by providing data notification.
- For employees who indicate a status other than citizen or permanent resident of the United States in section 1 of the I-9 form, only trained Human Resource Services or Office of International Education employees may complete section 2 or 3 of the I-9.
- **Tracking of International Employee I-9's on file.** For employees who indicate a status other than citizen or lawful permanent resident, Human Resource Services will record that the employee is eligible to work in the U.S. in PeopleSoft upon receipt of a valid I-9. HRS will include the expiration date(s) of acceptable documents. If the I-9 form has not been recorded in PeopleSoft within five business days of the employee's hire date, HRS will notify the employee, the employee's supervisor and the department's human resource representative. This notification will indicate that the employee is not eligible to work or be present in the workplace until HRS receives a valid I-9.

#### **Positions Tied To Specific Federal Contracts Requiring E-verify**

In addition to the standard I-9 processes:

- UVM is required to participate in the [E-Verify](#) program in order to be eligible for, or apply monies from, specific grants, contracts, awards or other agreements that contain the Federal Acquisition Regulation (FAR) and that go through Sponsored Project Administration (SPA).
- In the event that the federal contract requires an employee's I-9 to be submitted to E-Verify, SPA will notify Human Resources Services (HRS). HRS uses the I-9 on file to submit the information to E-Verify and to notify SPA if the employee is not eligible to work or if more information is needed to complete the E-Verify.
- HRS records completion and will resubmit if documents have expired.

#### **Re-verification:**

Re-verification requires examination of acceptable documents. Section 3 of the I-9 form must be completed to re-verify an I-9 when:

1. **Legal name change:** there is a name change due to a marriage, divorce, or any other legal reason. Employees are required to notify HRS of name changes. HRS will facilitate a new I-9 for name changes.
2. **Expired documentation:** For employees who are not U.S. citizens or lawful permanent residents, HRS will track expiration dates for documents used to verify authorization to work in the U.S. 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. [**Note:** An expired Permanent Resident Card of a lawful permanent resident **does not** require re-verification of employment eligibility upon expiration date.] 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 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) employment is effectively terminated; and (3) records are accurate with regard to termination.
3. **Rehires:** An employee who leaves employment with the University who is subsequently rehired must complete a new I-9 form unless the employee is being re-hired within three 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. Short-term interruption of employment, where there is a reasonable expectation of continued employment (such as seasonal employees, sabbaticals, approved leaves of absence, and temporary layoffs and work study students), does not require re-verification or a new I-9 form when the employee is re-hired.

#### **Authorized University Representative Training:**

In order to maintain their AUR status, all Authorized University Representatives must participate in annual training conducted by HRS, with assistance from the Office of General Counsel. HRS will track current AURs and send out notifications prior to the expiration of their AUR status.

HRS may suspend or revoke AUR status at any time and may also require refresher training for AURs as needed.

#### **Procedures for Remote Hires:**

Special procedures apply when a University employee resides in a remote location and will not be physically present on any University-owned or controlled property for work. These procedures pertain

only when it is not feasible for the employee to travel to the University to complete an I-9 form 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 representative outside of the University who is appropriately trained in accordance with United States Citizenship and Immigration Services I-9 verification protocols (e.g., HR personnel at another organization, licensed Notary Public, an attorney, or state employment office personnel). Along with completing Section 2 of the form I-9, this representative must also complete the [I-9 Remote Hire Notice Form](#). Both forms must be sent via secure file transfer to [hर्सinfo@uvm.edu](mailto:hर्सinfo@uvm.edu). HRS will contact the employee and request corrections if either form contains errors.

#### **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 once identified.

If an employee has made an error on information they provided 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. Errors must be corrected by crossing-out incorrect information and writing-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, and initial and date the correction.

#### **Retention:**

##### **Active Employee I-9s:**

Employers are required 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 inspection by appropriate federal departments, agencies, or other entities. If an external government entity requests review of documents, University employees must follow the procedures in the [Government Reviews University Operating Procedure](#).

##### **Separated Employee I-9s:**

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.

#### **Storage:**

HRS will audit electronic storage annually in compliance with any federal or state regulations that may be in place at the time. At a minimum, HRS will comply with guidance from the U.S. Citizenship and Immigration Services as it relates to the electronic storage of I-9's (<https://www.uscis.gov/i-9-central/retain-store-form-i-9/storing-form-i-9>).

#### **Access:**

HRS will maintain a list of users authorized to access the electronic storage system. HRS will perform a semi-annual audit to ensure only appropriate users have access to the system.

## Contacts

Questions concerning the daily operational interpretation of this UOP should be directed to the following:	
Title(s)/Department(s):	Contact Information:
Human Resource Services	(802) 656-3150 <a href="mailto:hrsinfo@uvm.edu">hrsinfo@uvm.edu</a>
Office of International Education	(802) 656-4296
Payroll and Tax Services	(802) 656- 0674 <a href="mailto:taxadmin@uvm.edu">taxadmin@uvm.edu</a>

## Forms/Flowcharts/Diagrams

- [Handbook for Employers M-274 \(I-9 instructions\)](#)
- [International Information Form \(formerly Alien Information Collection Form\)](#)
- [Notary/Authorized Agent form](#)
- [Notary/Authorized Agent instructions](#)

## Related Documents/Policies

- [Employee vs. Independent Contractor Policy](#)
- [Payments to Foreign Nationals and Entities Policy](#)
- [U.S. Citizenship and Immigration Services Handbook for Employers](#)

## Training/Education

Training related to this policy is as follows:

<b>Training Topic:</b>	Authorized University Representative I-9 Training		
<b>Training Audience:</b>	Authorized University Representatives (AURs)	<b>Delivered By:</b>	Human Resource Services (HRS) with assistance from the Office of General Counsel (OGC)
<b>Method of Delivery:</b>	In-Person	<b>Frequency:</b>	Prior to Designation then Annually Thereafter

## About This Procedure

<b>Responsible Official:</b>	Chief Human Resource Officer	<b>Approval Authority:</b>	Chief Human Resource Officer
<b>Affiliated Policy Number(s):</b>	V. 4.6.5	<b>Effective Date:</b>	May 21, 2019
<b>Revision History:</b>	<ul style="list-style-type: none"> <li>• Effective June 1, 2015</li> <li>• Effective May 21, 2029. Responsible official officially changed from the Vice President for Human Resources, Diversity and Multicultural Affairs to the Vice President for Finance and Treasurer on May 1, 2020</li> </ul>		

	<ul style="list-style-type: none"><li>• Minor revisions November 1, 2022 and responsible official officially changed from the Vice President for Finance and Administration to the Chief Human Resource Officer</li></ul>
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