



OLD DOMINION UNIVERSITY

University Policy

Policy #6027

EMPLOYMENT ELIGIBILITY AND VERIFICATION POLICY

Responsible Oversight Executive: Vice President for Human Resources

Date of Current Revision or Creation: March 30, 2016

A. PURPOSE

The purpose of this policy is to ensure compliance with the provisions for employment eligibility verification in accordance with the Immigration Reform and Control Act (IRCA) and guidance issued by the U.S. Citizenship and Immigration Services (USCIS) of the U.S. Department of Homeland Security.

B. AUTHORITY

[Virginia Code Section 23-9.2:3, as amended](#), grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Homeland Security Act of 2002](#)

[Immigration Reform and Control Act of 1986](#)

[Immigration Act of 1990](#)

[Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#)

C. DEFINITIONS

Alien – Any person who is not a citizen or a national of the United States.

Authorizing University Representative – University employees who have completed training on certifying I-9 forms.

Campus – For the purpose of this policy, campus shall include the Norfolk campus, all higher education centers and distance learning sites, and the Virginia Modeling, Analysis and Simulation Center (VMASC).

Employment Eligibility Verification (Form I-9) – The Federal form employers use to verify the work-authorization status of all newly hired employees in the United States.

E-verify – An internet-based system that compares information from an employee’s Form I-9 to data from U.S. Department of Homeland Security and Social Security Administration records to confirm that an employee is eligible to work in the United States.

Illegal alien – A non-citizen who has not been lawfully admitted to the United States or who has violated the terms of his/her lawful admission.

Unauthorized alien – A non-citizen who does not have legal permission to work in the United States because of his/her immigration status or because he/she has applied and been found ineligible for work authorization.

D. SCOPE

This policy applies to all employees and employees of affiliated organizations who are paid through the University. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Affiliated organizations are separate entities that exist for the benefit of the University and include the Foundations, the Community Development Corporation, and the Alumni Association.

E. POLICY STATEMENT

Old Dominion University complies with Federal requirements that all University employees’ identity and eligibility to work in the United States are verified. The primary provisions of the Federal requirements are:

- The ban on hiring of unauthorized aliens;
- The requirement to verify the employment eligibility of all new hires;
- The prohibition against discrimination towards certain persons on the basis of their citizenship or national origin.

F. PROCEDURES

Verification

USCIS requires the completion of the [Employment Eligibility Verification \(Form I-9\)](#) to verify that persons are eligible to work in the United States. The employee is required to 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. For Form I-9 purposes, an employee’s first day of employment is the first day that the employee is physically present on campus. For employees who work off campus, the first day of employment is the first day that an employee engages in work for the University.

Using the [I-9 Form Requirements and Process](#), the authorizing University representative must certify documents establishing the employee’s identity and eligibility to work by completing Section 2 of the Form I-9 on the employee’s first day of work. The types of documentation that are acceptable are listed on the Form I-9. Based on the type of employment, several offices are responsible for I-9 verification and records retention. Upon completing Section 2 of the Form I-9, the authorizing University representative must forward it immediately to the appropriate office. Data entry into E-verify must be done by the third business day to complete the verification process. 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 the University hires individuals for a duration of less than three business days, Section 2 of the Form I-9 must be completed at the time employment begins.

Failure to complete the Form I-9 or to provide required documentation by the relevant deadline will result in removal from the payroll system for wage and part-time employees. Salaried faculty and staff will be placed on leave without pay. Employees will be terminated for failure to comply with the employment eligibility and verification requirements.

Employees who are not U.S. Citizens or Legal Permanent Residents may not be eligible to access certain technology and/or information that is controlled by the [Export Administration Regulations \(EAR\)](#) or the [International Traffic in Arms Regulations \(ITAR\)](#) or may require a license to do so. Such employees may be required to complete a [Deemed Export Form](#) for submission to Office of Visa & Immigration Services (VISA, documenting that there is no need for a license to access controlled technology and/or information or that a license will be required to conduct their work. Information in this form may be made available to USCIS upon request.

Steep fines may be imposed if the University knowingly hires an unauthorized alien or an illegal alien or allows someone to continue to work beyond 90 days without documentation.

Updating and Re-verification

The University 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 within the same agency;
- change in type of employment with the same agency.

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 international employee's work authorization expires, the University 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 University cannot continue to employ that person.

Records Retention

The University is required to retain the original, signed Form I-9. However, it will be University 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 are retained for three years after the hire date or one year after the termination date, whichever is later, and then destroyed in compliance with the Commonwealth's Records Retention and Disposition Schedule. Form I-9s for terminated employees should be maintained separately.

Sanctions

Failure to follow the requirements of this policy as stated will result in sanctions up to and including termination commensurate with the severity and/or frequency of the offense.

G. RESPONSIBLE OFFICER

Staffing and Operations Manager, Department of Human Resources

H. RELATED INFORMATION

[USCIS Handbook for Employers](#)

[University Policy 3011 – Identity Theft Protection Program](#)

[University Policy 4100 – Student Record Policy](#)

[Checklist for Completing I-9 Form](#)

[Certification/Retention of I-9 Forms Chart](#)

[Policy on Collection and Use of Social Security Numbers](#)

