

UC Davis Policy and Procedure Manual

Chapter 380, Personnel--General

Section 06, Employment Eligibility Verification

Date: 3/22/13

Supersedes: 1/20/06

Responsible Department: Accounting and Financial Services

Source Document: Immigration Reform and Control Act of 1986

I. Purpose

- A. This section outlines requirements for verifying an individual's eligibility for employment in compliance with the Immigration Reform and Control Act (IRCA) of 1986 and subsequent amendments.
- B. See Sections [380-14](#) and [380-64](#) for information regarding employment of aliens.
- C. See Academic Personnel Manual [Section UCD-530](#) for procedures regarding recruitment and appointment of a foreign national for academic and research appointments.

II. Policy

- A. Departments must verify the identities and work authorization status for all newly hired employees (paid or non-salary) on or before the date of hire.
- B. Verification is not required for independent consultants (see [Section 380-70](#)), independent contractors (see [Section 380-71](#)) or individuals receiving an honorarium payment (see [Section 380-76](#)); however, an employer cannot contract for services if they know that an individual is not authorized to work.
- C. Employment eligibility ends on the expiration date of the employment eligibility document or legal status in the U.S.

III. Roles and Responsibilities

- A. Department heads
 1. Comply with IRCA and UCD regulations for all hiring in their departments.
 2. Designate an individual to complete the verification process to assure that no individual begins work prior to presenting the appropriate documents verifying identity and employment eligibility or continues to work beyond the expiration of such eligibility.
 3. Pay citations or penalties for violation of IRCA.
- B. Campus Accounting & Financial Services—Payroll Services or UCDHS Human Resources—Recruitment
 1. Maintains records of the Form I-9 Employment Eligibility Verification forms for all departments.
 2. Responds to inquiries from The United States Citizenship and Immigration Service (USCIS) or audits of Form I 9 for employees.

IV. Procedures

- A. Verification of work authorization status
 1. The prospective employee completes and signs Section 1 of Form I-9 and presents documentation establishing identity and employment eligibility to the hiring department at the time of hire..
 2. The individual designated by the department head to verify work authorization status physically examines the original documents and completes Section 2 of Form I-9, if the

documents reasonably appear to be genuine,.

3. The department designee attaches the original Form I-9 to the other University forms required for initial employment and forwards these forms to Payroll Services.
4. When an academic-year employee is paid in advance of the service period (9 months paid over 12 months), the hire date is considered to be the first day on pay status. If the appointee is, or will be, in the U.S. on a nonimmigrant visa and will not yet have appropriate documentation, departments must wait to process the payroll/personnel system transaction until the appointee has the proper documents.

Full instructions for completing the I-9 or E-Verify can be found in the [USCIS Handbook for Employers \(Form M-274\)](#).

B. Extension of work authorization for aliens

1. An employee who wishes to continue employment beyond the original expiration date must, prior to that date, present a document that shows an extension of employment eligibility (for example, change of status, extension of stay, or extension of work authorization).
2. If the document appears to be genuine, the department completes Form I-9, Section 3, and extends the appointment end date.
3. When the University has filed a timely petition to extend the status of an individual with an H-1B, O-1, or TN visa (temporary workers and Canadian citizens), the employee's appointment may be extended for up to 240 days pending approval of the petition by the USCIS. The department prepares a payroll/personnel system transaction extending the appointment for 240 days and attaches an I-9 and a copy of the application for extension. When USCIS approves the extension, the department prepares a new payroll/personnel system transaction and Form I-9.

V. Further Information

- A. Additional information is available from Campus Accounting & Financial Services--Payroll Services, (530) 757-8550; or PPS Help Desk (530) 752-7750, ppshelp@ucdavis.edu ([Davis campus](#)); or from UCDHS Human Resources--Recruitment, (916) 734-5660, <http://www.ucdmc.ucdavis.edu/hr/hrdepts/recruitment/index.html> (Sacramento campus).
- B. Information regarding visas is available from Services for International Students & Scholars, (530)-752-0864, <http://siss.ucdavis.edu/contact.cfm>.

VI. References and Related Policies

- A. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, enacted 9/30/96.
- B. Immigration Reform and Control Act of 1986, Public Law 99-603, enacted 11/6/86.
- C. Code of Federal Regulations, Title 8, Section 274a, Control of Employment of Aliens (<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>).
- D. Handbook for Employers, Publication [M-274](#).
- E. U.S. Citizenship and Immigration Services Web site (<http://www.uscis.gov>).
- F. UC Personnel Policies for Staff Members [Section 21](#), Appointment.
- G. UCD Policy & Procedure Manual (<http://manuals.ucdavis.edu/PPM/about.htm>):
 1. Section 380-14, Employment of Aliens (Noncitizens).
 2. Section 380-64, Conditions of Visas for Alien (Noncitizen) Students, Scholars, and

Visitors.

3. Section 380-70, Consultant Agreements.
 4. Section 380-71, Independent Contractor Agreements.
 5. Section 380-76, Honoraria.
- H. Payroll/Personnel System Manual, Section K-32 (<http://pps.ucdavis.edu/PPSManual.pdf>).