

SERENITY BEHAVIORAL HEALTH SYSTEMS

**SUBJECT: VERIFYING IDENTITY AND EMPLOYMENT
ELIGIBILITY**
POLICY NUMBER: HR-43
EFFECTIVE DATE: November 2001
SUPERSEDES: N/A
LAST REVISION DATE: November 2008

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) to abide by The Immigration Reform and Control Act by requiring employers to verify the identity and employment eligibility of new employees as outlined in this policy. It is unlawful to knowingly hire or recruit an alien unauthorized to work in the United States or any individual without complying with the identity and employment eligibility verification requirements.

The provisions of this policy apply only to newly hired employees and employees returning to SBHS after a break in service. This policy does not apply to promotions, transfers or demotions within SBHS or between State agencies.

UNAUTHORIZED ALIENS:

“Unauthorized aliens” are aliens who are not:

- I. Lawfully admitted for permanent residence; or
- II. Authorized to be employed under the provisions of the Immigration Reform and Control Act or by the Attorney General of the United States.

VERIFICATION PROCESS:

- I. In order to establish employment eligibility, the Department of Immigration and Naturalization (INS) Form I-9 must be completed for all new employees.
 - A. INS Form I-9 is to be included in all appointment packets.
 - B. New employees must complete Section I and submit INS Form I-9 to the Human Resource Staff.

NOTE: If new employees cannot complete Section I by themselves or if they need the form translated, assistance may be provided. A preparer or translator must read the form to the employee, assist in completion of Section I, and have the employee sign or mark

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the form in the appropriate place. The preparer or translator must then complete the Preparer and/or Translator Certification block on the form.

- II. Documentation verifying identity and employment eligibility (e.g., U.S. passport, resident alien card, social security card, etc) must be submitted with INS Form I-9.
 - A. INS Form I-9 lists acceptable documents that verify either identity or employment eligibility and documents that serve to verify both.
 - B. Employees can choose which document(s) they want to provide from the Lists of Acceptable Documents attached to INS Form I-9. SBHS must accept any document(s) from the Lists of Acceptable Documents that reasonably appears on its face to be genuine and relate to the person providing it.
 - C. New employees who are unable to provide required documentation upon reporting to work must, within (3) workdays provide either the verifying documentation or a receipt for the application of replacement documentation. If receipt is provided, the actual verifying documentation must be provided within ninety (90) calendar days.

NOTE: The Personnel Technicians in the Human Resources Department are responsible for monitoring and ensuring that the actual verifying documentation is received in a timely manner.

- III. The Human Resource Staff is to do the following:
 - A. Review Section I of INS Form I-9 to ensure that it has been properly completed;
 - B. Review and photocopy the documentation verifying identify and employment eligibility and return the original(s); and
 - C. Immediately complete Section 2 INS Form I-9.

MINORS UNDER AGE 18:

If new employees are minors under age 18 and do not have required documentation to establish identity, INS Form I-9 is to be completed as follows:

- I. A parent or legal guardian is to complete Section 1 and write “individual under age 18” in the space for the employee’s signature.
- II. The parent or legal guardian must complete the Preparer and/or Translator Certification block.
- III. The minor must present documentation from List C on the Lists of Acceptable Documents to verify employment eligibility.

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- IV. The Human Resource Staff is to write “Individual under age 18” in the space on “Document Number” in Section 2 under List B, and record appropriate information regarding the documentation provided to verify employment eligibility in Section 2 under List C.

REVERIFICATION:

- I. Section 3 of INS Form I-9 is to be completed by the Human Resources Technicians and identity and/or employment eligibility must be reverified under the following circumstances:
- A. The Lists of Acceptable Documents specifies that some documents with expiration dates must be unexpired in order to verify employment eligibility. When such documentation is received from a new employee, the Personnel Technicians are responsible for monitoring the expiration date and reverifying employment eligibility prior to expiration. A photocopy of the renewed documentation is to be attached to INS Form I-9.
 - B. Reverification is not required for identity documents. United States Passports, whether valid or expired, never require reverification. Alien Registration or resident alien cards held by permanent residents do not require reverification.
 - C. When an employee is re-employed after a break in service, identity and employment eligibility must be re-verified.
 - 1. If re-employed within three (3) years of the date the original INS Form I-9 was completed, Section 3 of the original form is to be appropriately completed. If the same documentation is provided to verify identity and employment eligibility, additional photocopies are not necessary.
 - 2. A new INS Form I-9 must be completed if more than three (3) years has passed.

NOTE: If any employee’s name has changed at the time of re-verification, or any other time during employment, a photocopy of the documentation verifying the legal name change (e.g., marriage certificate, etc.) is to be placed in the employee’s personnel file.

RECORD MAINTENANCE & ACCESS:

- I. The completed INS Form I-9 and documentation verifying identity and employment eligibility are to be maintained in the employee’s official personnel file. These documents are to be maintained for at least three (3) years after the dates of hire or one (1) year after the date employment ends, whichever is later.
- II. The completed INS Form I-9 and any information attached to the form may not be used for purposes other than compliance with the provisions of this policy.

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- III. The INS Form I-9 is subject to inspection only by authorized officials to the extent necessary to verify that an individual is not an unauthorized alien or if subpoenaed by court of competent jurisdiction.

UNLAWFUL DISCRIMINATION:

- I. In general, it is an unfair immigration-related employment practice to discriminate against an individual (other than an unauthorized alien) with respect to hiring or recruitment on the basis of national origin or citizenship status.
- II. The refusal to hire an individual because of a future expiration date on employment eligibility verification may also be illegal.
- III. It is not an unfair immigration-related employment practice to hire or recruit an U.S. citizen or national over an alien, on a case-by-case basis, if the two- (2) individuals are equally qualified. SBHS cannot, however adopt a blanket practice of always preferring qualified citizens or nationals over qualified authorized aliens.
- IV. Retaliation against employees who file complaints of unlawful discrimination or who serve as witnesses or otherwise participate in the investigation of complaints is prohibited.

REFERENCE:

- I. Federal law (8 USC 1324a-Immigration Reform and Control Act)

ATTACHMENT

- I. INS FORM I-9

APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

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RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date