

University Policy 200.24

E-VERIFY

Responsible Administrator: Vice President of Administration

Responsible Office: Office of Human Resources

Originally Issued: September 2010

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Authority: Office of the President

Policy Statement

It is the policy of Claflin University to comply with all applicable federal and state laws. South Carolina law (House Bill 4440 signed on June 4, 2008) requires all private sector employers to verify that all new employees are legally authorized to work in the United States using the federal verification program E-Verify. The South Carolina Department of Labor, Licensing and Regulation (LLR) is the state's enforcement agency to ensure compliance with E-Verify.

Statement of Purpose

This policy provides the purpose of E-Verify and establishes guidelines for new hires. *All new hires employed by Claflin University and work in the United States after November 6, 1986 are required to complete a Form I-9, Employment Eligibility Verification and, if hired after August 2009, be entered into the E-Verify system within the first three days of employment.* The E-Verify system uses two federal government databases (the Social Security Administration [SSA] and the Department of Homeland Security [DHS]) to confirm an employee's eligibility to work in the United States. E-Verify virtually eliminates Social Security mismatch letters, improves the accuracy of wage and tax reporting, protects jobs for authorized U. S. workers, and helps U.S. employers maintain a legal workforce.

DEFINITIONS

E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS), part of the Department of Homeland Security, in partnership with the Social Security Administration.

Social Security Administration Database verifies that an employee's social security number is valid, matches the person's name, and that the person is a U.S. Citizen.

Department of Homeland Security U.S. Citizenship and Immigration Services Database validates that a person is approved to work in the U. S. or has an approved work visa.

Tentative Non-confirmation (TNC) Response indicates SSA and/or DHS could not confirm that the employee's personal information matches SSA and/or DHS records.

Final Non-confirmation means that an employee's work eligibility cannot be confirmed from the Social Security Administration or the Department of Homeland Security and the employer may terminate the employment of the employee and shall not be civilly or criminally liable under any law for the termination, as long as the action was taken in good faith reliance of the information provided through the E-Verify system.

Applicability

This policy is applicable to all (student employees, administrators, faculty, staff, and temporary staff) new or re-hire employees of Claflin University in the United States.

PROCEDURES

I-9 (Section 1)

The Office of Human Resources designees, Financial Aid Office designee, hiring supervisor, Administrative Assistant or designee must ensure the employee fully completes Section 1 of the Form I-9, Employment Eligibility Verification (<http://www.claflin.edu/docs/default-source/forms/i9---employment-eligibility-verification.pdf?sfvrsn=2>) on the first day of employment but no later than the third business day.

I-9 (Section 2)

Employees must present an original document or documents that establish identity and employment eligibility within 3 business days of the date employment begins. Employees must select one item from List A or one item from List B and List C. Items from List A establish both identity and employment eligibility; items from List B establish identity only; and List C establishes employment eligibility only. Employees can choose which document(s) they want to present from the lists of acceptable documents. This list is on page 5 of the I-9 form. Make copies of the appropriate document(s) and attach to the original form.

If an employee uses a work authorization form that expires, the employee will be required to provide updated documentation establishing work eligibility.

SPECIAL NOTE: Non-routine cases should be discussed with the Director of Human Resources for resolution.

E-Verify Process

The Employment Eligibility Verification Form (I-9) must be submitted or the employee must be directed to the Office of Human resources on the first day of employment. Authorized staff members will E-Verify all new hires and rehires. The E-Verify Program Administrator (Director of Human Resources) will ensure that all tentative non-confirmations are resolved within the required time period, In case of a final confirmation, the Director of Human Resources will notify the President, the Provost or the appropriate area Vice President. The immediate supervisor, Dean or Department Head will be notified by the Provost, the appropriate Vice President or the Director of Human Resources. The Financial Aid Office representative will be responsible for the I-9 and E-Verify process for all work study students. The Program Administrator will provide oversight.

Non-Compliance Resolutions

- Employees who are unable to provide the appropriate documentation within the three-day time period will be terminated until documentation can be obtained. The Director of Human Resources will follow the same procedure as outlined for final non-confirmation.
- Supervisors who allow employees to start work prior to receiving a signed contract and/or violate the E-Verify policy will be reported to the Provost or their appropriate Vice President and the President and may be subject to termination.
- Continuous repeat violations of the E-Verify policy will result in severe disciplinary action, inclusive of suspension to non-renewal of a contract.
- Fines (\$100 to \$1,000 per individual violation) imposed for non-compliance will be absorbed by the applicable department.

