University Policy 7550

Legal Authorization to Work

Effective Date

July 2019

Responsible Party

Vice President and Chief Financial Officer, (208) 426-1200
Human Resources, (208) 426-1616

Scope and Audience

This policy applies to all University employees.

Additional Authority

8 U.S.C. §1324

1. Policy Purpose

To provide guidelines on the completion, filing, retention, and disposal of Boise State University Form I-9. Boise State University complies with the United States Citizenship and Immigration Services (USCIS) requiring employees to provide identification and proof of the authorization to work in the United States via the Form I-9.

2. Policy Statement

Boise State University is committed to meeting its obligations under United States immigration law and neither hires nor continues to employ an individual who is not legally authorized to work in the United States. The University does not discriminate on the basis of national origin, immigration status, or citizenship status in recruitment, hiring, or dismissal from employment.
Boise State University complies with all federal and state immigration laws and regulations and is committed to providing a workplace free from discrimination, including but not limited to, any discrimination based on national origin, immigration status, or citizenship status. This policy addresses the University’s obligations to verify employment eligibility of all new hires and re-verify such eligibility as required by law. Human Resources is responsible for implementing, administering, and reviewing procedures necessary to comply with employment eligibility verification and nondiscrimination requirements.

3. Definitions

3.1 University Business Days

Monday through Friday, excluding weekends, official University holidays, and University closures.

4. Responsibilities and Procedures

4.1 Form I-9 Section 1

a. A new employee must complete and sign Section One of federal Form I-9 at the time of hire. The USCIS definition of an I-9 is a Form "used for verifying the identity and employment authorization of individuals hired for employment in the United States." The University provides an employee with an electronic Form I-9 and reviews applicable form requirements with the employee. The University also provides an employee with a Spanish version of Form I-9, upon request, for translation purposes only; an employee must complete the English electronic version of Form I-9.

b. An employee must provide the employee's Social Security number when completing Section One. An International employee who has not received a Social Security number yet must provide a receipt as proof the employee has ordered a Social Security card before completing Section One. This employee will complete Section One without inputting a Social Security number and should return to Human Resources with a Social Security card as soon as it is received in the mail, which takes approximately two weeks. The employee is allowed to work during this time.

c. If an employee needs assistance to complete Section One, such as a translator, the employee can have someone assist. The University reviews Form I-9 Section One assistance requirements with all employees upon hire.
4.2 Form I-9 Section 2

a. An employee must provide the University with documentation of identity and employment eligibility to complete Form I-9 within three (3) University Business Days after employment starts. An employee who is hired to work for less than three (3) University Business Days must present such documentation at the time of hire. The University only accepts identity and employment eligibility documents as listed on the Form I-9 acceptable documents. The documents on List A show both identity and employment authorization. An employee presenting an acceptable List A document should not be asked to present any other document. Some List A documents are, in fact, a combination of two (2) or more documents. In these cases, the documents presented together count as one (1) List A document. The documents on List B establish identity. An employee who chooses to present a List B document must also present a document from List C.

b. Acceptable List B Documents for individuals under the age of eighteen (18) who are unable to present a document listed above include:

- School record or report card
- Clinic, doctor, or hospital record
- Day care or nursery school record

For minors under the age of eighteen (18), and certain individuals with disabilities who are unable to produce any of the listed identity documents, special notations may be used in place of a List B document.

c. If an employee fails to produce required documents or receipt for documents within three (3) University business days of the date employment begins, the employee is subject to termination.

4.3 Form I-9 Section Three

a. In Section Three of Form I-9, the University re-verifies work authorization of certain rehired employees and of an employee whose authorization to work in the United States has expiration dates.

b. The University tracks expiration dates of an employee’s authorization to work in the United States, and an employee is notified in advance of some work authorization expiration dates that the employee must re-verify the work authorization with the University before the current work authorization expires; however, it is ultimately the responsibility of the
employee to bring updated documentation to the attention of Human Resources prior to the expiration date. To complete re-verification, an employee must present the University with a document that shows continuing employment eligibility or is a new work authorization before the employee’s current work authorization expires. If an employee cannot provide the University with proof of current employment authorization, the employee is subject to termination.

4.4 Rehires

a. A rehired employee must complete a new Form I-9 if the most recent I-9 is more than three (3) years old. The University may require an employee rehired after a shorter period to complete a new Form I-9.

b. The University re-verifies an employee’s work authorization if an employee is rehired within three (3) years of the initial hire date and remains eligible to work in the United States through the employee’s original work authorization or a different work authorization.

c. A rehired employee must complete a current version of Form I-9 if the employee originally completed an older version of the form.

5. Related Information

Form I-9 Acceptable Documents

Revision History