

**MAINE COMMUNITY COLLEGE SYSTEM**

**PERSONNEL AND EMPLOYEE RELATIONS**

**Section 408**

**SUBJECT: VERIFYING EMPLOYMENT ELIGIBILITY**

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**PURPOSE: To provide guidance for complying with the Immigration Reform and Control Act of 1986**

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**A. Introduction**

Although the M CCS cannot refuse to hire an individual based on national origin or because the person is not a U.S. citizen, the M CCS also cannot hire a person without verifying that person's eligibility to work in the United States. The purpose of this policy is to ensure that the M CCS, in compliance with the Immigration Reform and Control Act of 1986, does not employ any person without first verifying the person's identity and employment eligibility.

**B. Policy**

Pursuant to the requirements of law, the M CCS requires all new and rehired employees to establish proof of identity and employment eligibility before commencing employment. Such employees include all full and part-time employees, including student employees. The M CCS will not employ individuals who are unable to do so, and any person working without the appropriate documentation will be suspended or terminated in accordance with this Policy.

**C. Proof of Identity and Eligibility**

To prove a person's identity and eligibility for employment, the M CCS requires the following documents or their subsequent sanctioned replacements prior to issuing an employment contract.

**1. Documents Proving Both Identity and Employment Eligibility**

The following documents or their subsequent sanctioned replacements may be accepted to prove a person's identity and eligibility to work: U.S. passport (unexpired or expired); unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization; Alien Registration Receipt Card or permanent resident card (USCIS Form I-551); unexpired Temporary Resident Card (UCSIS Form I-688); unexpired Employment Authorization Card (UCSIS Form I-688A); or an unexpired Employment Authorization Document issued by the UCSIS that contains a photograph (USCIS Form I-766 on I-688B).

## **2. Documents Proving Only Identity**

The following documents or their subsequent sanctioned replacements may be accepted to prove a person's identity: Driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address; ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address; School ID card with a photograph; voter's registration card; U.S. Military card or draft record; Military dependent's ID card; U.S. Coast Guard Merchant Mariner Card; Native American tribal document; or a driver's license issued by a Canadian government authority.

For persons under age 18 who are unable to present a document listed above, a school record, school report card or record from a medical clinic, doctor or hospital may be presented.

## **3. Documents Proving Only Employment Eligibility**

The following documents or their subsequent sanctioned replacements may be accepted to prove a person's employment eligibility: U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment); Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350); original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal; Native American tribal document; U.S. Citizen ID Card (USCIS Form I-197); ID Card for use of Resident Citizen in the United States (USCIS Form I-179); unexpired employment authorization document issued by the USCIS (other than those listed under subsection 1. above).

## **D. Procedures**

### **1. New Hires: Employment Eligibility Verification**

Before an employee reports to work for the first time, the hiring official or designated departmental representative must see proof of identity and employment eligibility from the newly-hired employee. The employee must complete section 1 of INS Form I-9, and the departmental representative must complete section 2 of the form. Copies of any immigration documents verifying work authorization dates should be attached thereto.

### **2. Rehires: Re-verification of Employment Eligibility**

If an employee is rehired within three (3) years of completing the INS Form I-9, the original form may be reviewed to determine whether or not the individual remains eligible to work. If the original form indicates no expiration date for employment eligibility or the date has not expired, the INS Form I-9 remains valid. However, the employee's eligibility to work must be re-verified prior to a listed expiration date. Once

an expiration date has passed, the form is no longer valid and an individual's expiration date must be re-verified prior to rehire. Employees may not continue to work without an extension of their employment eligibility beyond the previously expired date.

**E. Ineligible Persons Hired or Retained in Error**

If the employment of any individual is found to be inconsistent with this policy, the employee and supervisor will be immediately notified that employment must be suspended without pay. If the INS Form 1-9 is completed within ten (10) working days of suspension, the employee may be returned to the payroll. If compliance is not achieved within ten (10) working days from the date on the Notice of Suspension, employment will be terminated.

**F. Student Employment**

When classes are in session, international students are limited by law to working a total of twenty (20) hours a week.

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REFERENCES: 8 U.S.C. §1101, et seq.

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: