

City of Lawrence
Administrative Policy

SUBJECT Completion and Retention of Form I-9		APPLIES TO Human Resources Office Parks & Recreation Department	
EFFECTIVE DATE November ##, 2012	REVISED DATE		
APPROVED BY City Manager		TOTAL PAGES 7	POLICY NUMBER

1.0 **Policy**

To establish policy and procedures for (1) the verification of identity and employment authorization of each person the city hires, and (2) the completion and retention of Form I-9, Employment Eligibility Verification, for each employee hired after November 6, 1986.

2.0 **Procedures**

Form I-9 and USCIS Handbook for Employers (Form M-274)

The Admin Support III in the Human Resources Office will post only valid versions of Form I-9 and the USCIS Handbook for Employers (Form M-274) for internal use on city networks, including the Intranet. Copies of Form I-9 and the USCIS Handbook for Employers (Form M-274) are available from the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov. Periodically check I-9 Central at www.uscis.gov for updated Form I-9 information.

Form I-9 reviewers in the Human Resources Office and the Parks and Recreation Department are responsible for reading and understanding the USCIS Handbook for Employers (Form M-274).

Civil fines and criminal penalties apply for Form I-9 violations. Form I-9 reviewers may be held personally liable for violations.

Form I-9 Sections 1 and 2

Form I-9 reviewers in the Human Resources Office and the Parks and Recreation Department are responsible for:

- Observing all deadlines related to the completion of Form I-9.
 - Employee accepts offer for employment

- Employee completes Section 1 of the form no later than first day of work for pay (i.e. hire date or employment date)
 - Employee gives documents and form to employer
 - Employer completes Section 2 of the form no later than 3rd business day employee starts work for pay
 - If employee's work expiration expires, complete Section 3
- Providing the employee a valid version of the complete Form I-9, including instructions for completing the form and the List of Acceptable Documents.
- Reviewing the information the employee provided in Section 1.
- Ensuring that the employee provided information in all required fields.
- Ensuring the employee signed and dated the form.
- Ensuring the information on the form is clear and can be read.
- Noting whether employees indicate in Section 1 that their employment authorization will expire.
- Ensuring that any document the employee presents is on the Lists of Acceptable Documents or is an acceptable receipt.
- Physically examining each document to determine if it reasonable appears to be genuine and to relate to the employee presenting it.
- Allowing the employee to present other documentation from the List of Acceptable Documents if rejecting a document.
- Recording the document title, issuing authority, number(s) and expiration date (if any) from the original document(s) the employee presented. Abbreviations will be understood if the forms are inspected. Unless an abbreviation is widely known, don't use it.
- Entering the date the employee began or will work for pay.
- Ensuring the date entered in Section 2 as the date the employee began work for pay matches the date in the payroll records.
- Providing the name, signature and title of the person completing Section 2, as well as the date he or she completed Section 2.
- Recording the employer's business name and address as City of Lawrence, 6 E 6th St, Lawrence, KS 66044.
- Returning the documentation presented back to the employee.
- Making Form I-9 corrections as needed.

Form I-9 Section 3

The Admin Support III in the Human Resources Office is responsible for correctly completing Form I-9 Section 3.

Part A – Name Changes

When an employee changes his or her name (for example, when an employee marries), the reviewer will:

- Note the name change in Section 3 of Form I-9.
- Note the reason for the name change on the form, if the employee offers a reason for the change.
- Store any proof of the name change the employee may voluntarily give you with the form.

There is no requirement that employees show proof of a name change for the Form I-9. When reviewing List A or List C documents in the reverification process, the make sure that any document presented with a new name reasonably appears to be genuine and relates to the person presenting it.

Part B - Rehires

Rehires and employees engaged in seasonal employment are to be treated like new employees for the purposes of completing and retaining the Form I-9.

Part C - Reverification

- Remind employees at least 90 days before their employment authorization expires that they will need to present a List A or List C document to show continued employment authorization for reverification purposes on the date their current employment authorization expires.
- Examine the documentation to determine if it appears to be genuine and to relate to the employee presenting it.
- Allow the employee to present other documentation from the List of Acceptable Documents if rejecting a document.
- Record the document title, document number and expiration date, if any.
- Sign and date Section 3.

Photocopying documents

The City does not photocopy documents from the Lists of Acceptable Documents presented by employees for the purposes of the Form I-9. However, certain documents may be photocopied for the purposes of payroll records (e.g. SS card or driver's license).

Examining documents

Reviewers must examine the documentation employees present to complete Section 2 of Form I-9. Reviewers are not required to be document experts. They must accept documents that reasonably appear to be genuine and to relate to the person presenting them. However, if a new employee provides a document that does not reasonably appear to be genuine, the reviewer must reject that document and ask for other documents that satisfy the requirements of Form I-9. The standard used for determining whether a document is genuine is whether a reasonable person would know that the document is fraudulent.

If an employee	Employer should	Tips
Provides documentation that reasonably appears to be genuine, relates to the employee, and is on the List of Acceptable Documents	Accept the documentation	
Provides a document that does not reasonably appear to be genuine or relate to the employee or is not on the List of Acceptable Documents	Reject the document and ask for other document(s) that satisfy Form I-9 requirements	Employers should only reject documents that do not reasonably appear to be genuine or to relate to the employee, or that are not on the List of Acceptable Documents
Writes more than one last name in Section 1, but presents a document from the List of Acceptable Documents that has only one of those last names	Ask the employee the reason for the difference in the names. If it reasonably appears to be genuine and to relate to the individual then it may be accepted.	Attach a memo to the Form I-9 explaining the discrepancy.
Presents a document from the List of Acceptable Documents in which his or her name is spelled slightly differently than the name he or she wrote in Section 1	Ask the employee the reason for the difference in spelling. If it reasonably appears to be genuine and to relate to the individual then it may be accepted.	Ask employees to use their full legal name in Section 1. Ask the employee to do one of the following: correct Form I-9 and initial the change; provide a different document with the correct spelling; provide the employer with a corrected document.
Provides a document in which the name the employee wrote in Section 1 is completely or substantially different from the name on the document	Ask the employee the reason for the name change. If the employee maintains that the name in Section 1 is his or her legal name and the employer is satisfied that the document reasonably appears to relate to the employee, the employer may accept the document.	Attach a memo to the Form I-9 explaining the discrepancy. If the employee voluntarily provides proof of a name change, the employer may keep a copy of it with the memo.
Provides a document that does not reasonably appear to be genuine and/or to relate to the individual or if he or she cannot present other	The employer may terminate employment.	

If an employee	Employer should	Tips
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documents to satisfy the requirements of Form I-9

Receipts

When the employee provides an acceptable receipt, the reviewer will:

- Record the document title in Section 2 under List A, List B, or List C, as applicable.
- Write the word "receipt", the document title and number and the last day that the receipt is valid.

After the receipt expires, the Admin Support III in the Human Resources Office will:

- Cross out the word "receipt" and any accompanying document number.
- Record the number and other required document information from the actual document presented.
- Initial and date the change.

The city cannot accept receipts if employment will last less than three days.

Corrections

Employees may only correct errors made in Section 1 of Form I-9.

Employers may only correct errors made in Section 2 or Section 3 of Form I-9. Whenever possible, the original reviewer should correct his or her own error.

If an employer discovers an error in Section 1 of an employee's Form I-9, he or she should ask the employee to correct the error as directed below. If an employee refuses to complete a new form or correct the original form when the City discovers an error, the City will be obligated to end the employment relationship and remove the employee from the payroll.

To correct an error on the form, the employee or employer will:

- Draw a line through the incorrect information
- Enter the correct information
- Initial and date the correction

To correct multiple recording errors on the form, the employer may redo the section on a new Form I-9 and attach it to the old form. A new Form I-9 can be completed if major errors (such as entire sections being left blank or Section 2

being completed based on unacceptable documents) need to be corrected. A note should be included in the file regarding the reason the employer made changes to an existing Form I-9 or completed a new Form I-9.

Do NOT conceal any changes made on the form (other than simple notation errors when copying document information). Doing so may lead to increased liability under federal immigration law.

Storage

After a second reviewer confirms the Form I-9 has been completed correctly, the Admin Support III in the Human Resources Office will store the original paper form on-site in the Human Resources Office, separate from personnel records.

Prior to filing, the Admin Support III in the Human Resources Office will ensure that highlighting marks, hole punches and staples do not interfere with an authorized official's ability to read the information on the form.

Forms I-9 for active employees on the payroll will be stored in the notebooks marked "I-9 Forms, Current Employees".

Forms I-9 for inactive employees no longer on the payroll will be stored in the notebooks marked "I-9 Forms, Terminated Employees".

Retention

The Human Resources Office will keep a paper Form I-9 on file for every person on the payroll who is required to complete Form I-9, and retain the form for the appropriate amount of time after the employee leaves the payroll (three years after the date of hire or one year after the date employment ends, whichever is later). Every pay period, the Admin Support III in the Human Resources Office will destroy Forms I-9 that have passed their retention date and delete them from the tickler file.

Inspections

In the event officials arrive to inspect the Forms I-9, the Human Resources Office will:

- Retrieve or produce stored Forms I-9 and any other documents the officer requests.
- Provide the officer with any existing electronic summary of the information recorded on the employer's Forms I-9.

Audits

At least biannually, the Management Analyst in the Human Resources Office will audit completed Forms I-9 to ensure the city is in compliance with USCIS completion, storage, and retention requirements.

Tickler files

The Admin Support III in the Human Resources Office will maintain a tickler file of retention schedules, receipts, future expiration dates for employment authorization documents that will require reverification, and audits.

Preparer/Translator

A preparer or translator may be used only when the employee is unable to complete Section 1 on his or her own.

- Employees must sign the Form I-9 even if a preparer or translator helps them.
- The preparer or translator who helps the employee must provide his or her name, address, and signature, and date the form.
- The date of the employee's signature should match the date of the preparer/translator's signature.

Volunteers

Volunteers do not need to complete Form I-9 unless the Human Resources Office determines the volunteers will receive something of value (AKA remuneration) for their work.

3.0

Contacts

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