TO: Hiring Officials

FROM: John Poma

DATE: March 29, 2018

SUBJECT: Form I-9 Hiring Requirements

Dear Colleagues,

The Office of Human Resources continues to update and improve various policies and procedures with respect to the recruitment and hiring of new employees. One area that needs our immediate attention is the process with regard to completion of the U.S. Citizenship and Immigration Services I-9 form.

The Form I-9 is a legally mandated form used for verifying the identity and employment authorization of individuals hired for employment in the United States. Both employees and employers (or authorized representatives of the employer) must complete the I-9 form within certain strict timeframes. Federal law provides that it is unlawful to employ any individual to work in the United States if the Form I-9 has not been completely timely and accurately. William & Mary uses an online process for completing the Form I-9, through E-Verify. Information including how-to guides on how to complete the I-9 form are provided on the HR website at [https://www.wm.edu/offices/hr/managerssupervisors/hiringrecruitment/form-i9-resources/index.php](https://www.wm.edu/offices/hr/managerssupervisors/hiringrecruitment/form-i9-resources/index.php). Failure to complete the I-9 Form timely and accurately may result in substantial financial penalties to the employer. To ensure we comply with all federal rules with respect to completion of the I-9 form, we are reminding all hiring officials of the following procedures at William & Mary:

- Parts 1 and 2 of the I-9 Form must be completed for every new employee—including faculty and student employees—by no later than the first day of work.
  - If the prospective employee does not bring documents with him or her needed to complete the I-9 verification process by the first day of work, the person cannot begin work and cannot be put on the payroll. In other words, in no circumstance can a person begin employment until the I-9 process has been completed. If the I-9 is not completed, the scheduled start date will be adjusted and the employee will not be paid until employment begins. (In the case of faculty, a change of the start date will result in a reduction of the contract salary amount for the applicable 9-month or 10-month period.) If the employee worked hours before completion of the Form I-9, the individual will not be paid for the hours worked prior to the completion of the Form I-9.
  - Students cannot be permitted to begin work until they present a certification form to the hiring department confirming completion of the Form I-9 and eligibility to begin work.
  - There are special rules for employees who work in another state; contact Human Resources for assistance.
• The manager of the new employee is responsible for ensuring that no one begins working until the I-9 form is completed, even if s/he isn’t actually the individual completing the employer’s portion of the Form I-9.

• If the university receives a fine or penalty because of I-9 non-compliance, the cost of such fine will be charged to the department and/or school responsible for not completing the I-9 timely or accurately.

To assist in the enforcement of the I-9 policy, we are reviewing all offer and appointment letters to ensure that they inform the prospective employee of the need to verify their authorization to work in the United States prior to or no later than the scheduled first day of work.

To further assist us in making sure we meet the federal requirement, the Office of Human Resources will hold training/refresher sessions for those responsible for completion of the I-9 forms, including the human resource liaisons across campus. Anyone who is responsible for verifying documents for completion of the employer’s portion of the I-9 form must complete this training before s/he can be an authorized E-verify user. There are no exceptions to this policy and under no circumstances will the prospective employee be allowed to start employment until the I-9 form is completed.

Thank you for your support in helping us ensure that we comply with these important hiring procedures, and, as usual, please let me know if you have any questions.