

# CVUSD

## Administrative Regulation

AR 4111.2, 4211.2, 4311.2

### Personnel

#### Legal Status Requirement

\*\*\*Note: The U.S. Citizenship and Immigration Service form I-9 lists documents that are acceptable as evidence of identity and or employment eligibility. Pursuant to 8 CFR 274a.1, I-9 forms are not needed for persons who are independent contractors or who are employed by a contractor providing contract services.\*\*\*

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

\*\*\*Note: In order to ensure compliance with the Americans with Disabilities Act, employers may need to provide assistance in completing the I-9 form to individuals who need accommodation, such as those individuals who cannot read, write, or who need the form translated. Pursuant to 8 CFR 274a.2, the preparer or translator must then complete the appropriate portion of the form. In addition, preparers/translators should be careful to give only procedural assistance and offer no counsel with regard to the individual's status. See AR 4032 - Reasonable Accommodation.\*\*\*

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that either shows continuing employment eligibility or a new grant of work authorization. (8 CFR 274a.2)

Note: Pursuant to 8 CFR 274a.2, the district may, but is not required to, make a copy of any documents presented by the employee for verification. If such a copy is made, it must be retained with the I-9 form. In addition, districts are not allowed to only copy the documents of individuals of certain national origins or citizenship statuses.

The following optional paragraph is for use by districts that retain copies of the verification documents and should be modified to reflect district practice. Specific procedures apply for employers that retain these documents on microfilm, see 8 CFR 274a.2.

After examining the documents presented, the Superintendent or designee shall copy them. Such copies shall be retained with the individual's I-9 form. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

\*\*\*Note: P.L. 108-390 amended 8 USC 1324(a)(b) to authorize employers to retain I-9 forms in an electronic format in addition to the other choices of paper, microfilm, or microfiche retention. As amended, the law also authorizes districts to complete the form electronically and to use electronic signatures.\*\*\*

The district shall retain the I-9 forms for three years after the date of the hire or for one year after the date the individual's employment is terminated, whichever is later. (8 CFR 274a.2)

CSBA: (9/87 9/92) 3/00

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