

Administrative Regulation

PERSONNEL: GENERAL

Legal Status Requirement

When being hired by the District for any kind of work, prospective employees shall be informed that they will be asked, within three (3) days of employment, to provide documents which certify their identity and employment eligibility. Persons employed for three (3) days or less must provide such documentation on their first day. This documentation may consist of one item in List A below, or two (2) items, one from List B and one from List C below.

List A--Documents that Establish Both Identity and Employment Eligibility

1. U.S. passport (unexpired or expired)
2. Certificate of U.S. Citizenship (INS Form N-560 or N-561)
3. Certificate of Naturalization (INS Form N-550 or N-570)
4. Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization.
5. Permanent Resident Card or Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
6. Unexpired Temporary Resident Card (INS Form I-688)
7. Unexpired Employment Authorization Card (INS Form I-688A)
8. Unexpired Reentry Permit (INS Form I-571)
9. Unexpired Refugee Travel Document (INS Form 571)
10. Unexpired Employment Authorization Document issued by DHS that contains a photograph (INS Form I-688B)

List B--Documents that Establish Identity

1. 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, gender, height, eye color and address
2. ID card issued by federal, state or local government agencies or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
3. School ID card with a photograph

4. Voter's registration card
5. U.S. Military card or draft record.
6. Military dependent's ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian authority.

For persons under age 18 who are unable to present a document listed above:

10. School record or report card
11. Clinic, doctor or hospital record
12. Day-care or nursery school record

List C--Documents that Establish Employment Eligibility

1. U.S. social security issued by the Social Security Administration (other than a card stating it is not valid for employment)
2. Certification of Birth Abroad issued by the Department of State (INS Form FS-545 or INS Form DS-1350)
3. 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
4. Native American tribal document
5. U.S. Citizen ID Card (INS Form I-197)
6. ID Card for use of Resident Citizen in the United States (INS Form I-179)
7. Unexpired employment authorization document issued by DHS (other than those listed under List A)

If a minor has a work authorization document but does not have any of the above identity documents, he/she may establish identity by means of a school record or report card, clinic doctor or hospital record, or a day care or nursery school record. Lacking any of these, he/she still may work without an identity document provided a parent/guardian completes Section I of Form I-9 for the minor. In the space for the minor's signature, the parent/guardian must write "minor under age 16." The parent/guardian must also complete the "Preparer/Translator Certification" section. In Section 2, under List A, after the words "Document #," the Superintendent or designee should write "minor under age 16."

If unable to provide satisfactory documentation, the employee shall furnish a receipt indicating that the needed document has been requested. This receipt must be presented within three (3) days of the hire, and the document itself must be provided within twenty-one (21) days of the hire.

The Superintendent or designee shall examine the documents presented and record the expiration date as it appears on all work authorization permits.

Should an employee present two (2) documents on which the individual's name is not the same, the Superintendent or designee shall ask to see documentation of name change, such as would be provided by a marriage license, divorce papers, court orders, or other legal document verifying the name change.

After examining the documents presented, the Superintendent or designee shall copy them and return the originals to the employee. Such copies shall be used, if needed, only to help justify the District's past decision to accept the documents as valid.

The Superintendent or designee shall ask the employee to complete the appropriate sections of and sign the Immigration and Naturalization Form I-9.

The Superintendent or designee shall then complete and sign the I-9 form and shall assure that it is kept until a full year after the employee leaves the job. All I-9 forms must be kept on file for at least three (3) years from the hire date.

I-9 forms shall be available for inspection upon request by officers of the Immigration and Naturalization Service or the Department of Labor. Other personnel documents shall not be made available to government agents unless they present a warrant or subpoena.

To avoid the loss of any employer rights, all communications received from the Immigration and Naturalization Service shall be answered within thirty (30) days.

Employees Hired After November 6, 1986

By September 1, 1987, I-9 forms shall be completed in accordance with the above procedures for all current employees who were hired between November 6, 1986, and May 31, 1987. Any employee hired on or after June 1, 1987, who has not completed the form, must do so immediately. When asked to provide documentation of employment eligibility, these employees shall have three (3) days in which to comply or provide a receipt attesting that they have requested the necessary document from an appropriate source. In the latter case, actual documentation must be provided within twenty-one (21) days.

If any current employees hired after November 6, 1986, are unable to document their work eligibility, the Superintendent or designee shall ask them if they have applied or intend to apply for legalization. If they answer yes, a "special rule" allows these individuals to work without eligibility documents until September 1, 1987. "Special rule" employees still must fill out the I-9 form and provide a document to establish identity (see List B). The Superintendent or designee shall examine this document and flag the employee's I-9 form so that it can be updated when new work eligibility information is provided.

Unauthorized aliens, hired after November 6, 1986, who do not produce documents by September 1, 1987, shall be discharged after that date.

Approved: November 14, 2006