

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

Policy 4111.2

Legal Status Requirement

The Solano County Office of Education (SCOE) shall hire only citizens and aliens who are lawfully authorized to work in the United States. The County Superintendent or designee shall ensure that SCOE's employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with SCOE policy.

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 ensure that the documents presented appear to be genuine and relate to the individual, and complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day.

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.

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.

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 SCOE's past decision to accept the documents as valid.

SCOE 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.

Legal Reference:

UNITED STATES CODE, TITLE 8

1324(a) Unlawful employment of aliens

1324(b) Unfair immigrant-related employment practices

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

Policy Cross-Reference:

0410 Nondiscrimination in District Programs and Activities

4030 Nondiscrimination in Employment

4111 Recruitment and Selection

4112.6 Personnel Files