

Policy 4311.2: Legal Status Requirement

Status: ADOPTED

Original Adopted Date: 09/01/1992 | **Last Revised Date:**
03/01/2009 | **Last Reviewed Date:** 03/01/2009

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 authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business 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 business 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 Form I-9, 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 shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

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

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. 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.

Federal

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Management Resources

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Description

USCIS Publication

Website

Website

Handbook for Employers: Instructions for Completing Form I-9,

April 2009

CSBA District and County Office of Education Legal Services

U.S. Citizenship and Immigration Services

Code

0410

2120

3580

3580

4030

4030

4032

4111

4112.6

4121

4121

4211

4212.6

4311

4312.6

Description

Nondiscrimination In District Programs And Activities

Superintendent Recruitment And Selection

District Records

District Records

Nondiscrimination In Employment

Nondiscrimination In Employment

Reasonable Accommodation

Recruitment And Selection

Personnel Files

Temporary/Substitute Personnel

Temporary/Substitute Personnel

Recruitment And Selection

Personnel Files

Recruitment And Selection

Personnel Files