

Cornell University Guidelines for Completing Form I-9

Purpose:

Form I-9 is used for verifying the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens. Both employees and employers (or authorized representatives of the employer) must complete the form.

On the form, an employee is to attest to his or her employment authorization by their first day of paid work, but not before the job offer is accepted. The employee must also present his or her employer with acceptable documents evidencing identity and employment authorization within three business days from the start date. The employer must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and relate to the employee, then record the document information on the Form I-9. The list of acceptable documents can be found on the last page of the form. Employers must retain Form I-9 for a designated period and make it available for inspection by authorized government officers.

To access the current version of the Form I-9, go to <http://www.uscis.gov/files/form/i-9.pdf>.

The Cornell approach to implementing and complying with this regulation is detailed below.

Please note that Cornell requirements for certain populations may be more restrictive than what the law requires.

- **Student Hourly** – Form I-9 must be completed prior to their start date.
- **Graduate Students Assistantships** –
 - a. The Form I-9 is to be completed within three business days of the student's first performance of paid duties.
 - b. For assistantship appointments, the Form I-9 must be completed within three business days of the 1st day of classes.
- **Academic Employees, Staff, Union and Temporary Employees** – Form I-9 must be completed within three business days of the hire. "Hire" means when employment in exchange for wages or other remuneration begins. The time of hire is noted on the form as the first day of employment.
 - a. The employee is to complete Section 1 of Form I-9 at the time of hire. Employees may complete Section 1 of Form I-9 before the time of hire, but no earlier than acceptance of the job offer.

- b. The employer is to review the employee's document(s) and fully complete Section 2 of Form I-9 within three business days of the hire. For example, if the employee begins employment on Monday, you must complete Section 2 by Thursday.

Form I-9 Processing

- **Academic, staff and union employees (including Foreign Nationals)** – all Form I-9's should be completed using the electronic I-9 option in Workday. Section 2 of Form I-9 is completed during the new hire's appointment at the Onboarding Center.
 - a. If it is not possible for the new hire to complete Section 2 of the I-9 at an onboarding appointment within the first 3 business days of employment a paper I-9 must be completed.
 - b. If a new hire is not in Ithaca and will not be able to be present before an authorized Cornell individual within 3 business days of their hire, a paper form must be completed and notarized.

All paper Form I-9's for academic, staff and union employees must be submitted via the drop box to Judy Small, jas17@cornell.edu or Cheryl Stare, cal5@cornell.edu. If you have any questions contact the Onboarding Center at 255-2899. If a paper Form I-9 is completed, please be sure to enter the completion date into the Workday Paper I-9 Completion Date field.

NEW international employees who will receive CU appointments in Workday should stop at the International Students and Scholars Office (ISSO), with immigration documents, so that ISSO can complete an Employment Status Eligibility Form. This is NOT the I-9 Form.

- a. ISSO will have the employee fill in a brief international check-in sheet and will provide the new employee with an *Employment Status Verification Form*.
 - b. ISSO will ask the employee to deliver the form to the hiring unit's HR representative. ISSO will retain and store the check in sheet.
 - c. HR Units may use this form to enter employment start dates in Workday.
 - d. Once the Hire transaction, including correct employment dates, are complete and submitted via WorkDay, an Onboarding appointment for the new employee can be made.
- **Temporary employees** – all Form I-9's should be completed using the electronic I-9 option in Workday. As temporary employees are not currently served by the Onboarding Center, section 2 of Form I-9 is to be completed by the Workday Hire Initiator. In some limited situations, this may not be possible and a paper Form I-9 may be completed by the authorized person within the hiring unit. . If a paper Form I-9 is completed, please be sure to enter the completion date into the Workday Paper I-9 Completion Date field. Forms are to be submitted via fax to **Attn:** Workday Help Desk

(607-255-2309) or mailed interoffice to HRIS, 395 Pine Tree Road, Suite 230. **Please clearly indicate that these materials are for temporary hires.**

Note: Local HR, or designee, is responsible for ensuring that the Form I-9 is completed accurately and in compliance with the regulations for the temporary employee population.

- **Student Hourly** – all I-9's for undergraduate or graduate students in student hourly appointments are to be completed and submitted to the Student Employment Office (SEO) via fax at 607-255-5022, interoffice mail or in-person drop off by the hiring unit at 203 Day Hall. SEO will review for accuracy and return, via campus mail, any not completed appropriately. Once accuracy is verified, SEO will process and update the student's employment eligibility in the PeopleSoft Student Employment System that the I-9 has been completed and that the individual is eligible for hire provided that there are no other holds (i.e. Bursar, etc.) on the students account.

Note: During the peak processing time for fall 2013 (August 22-September 20 2013) SEO will also be manually updating the student's status in Workday once the I-9 has been processed (proving the student does not have any other eligibility holds).

- **Graduate Student Assistantships**

Effective *immediately* please send completed Form I-9 to HRIS for processing. The Graduate School is no longer responsible for processing Form I-9. Any completed Form I-9 already sent to the Graduate School will be sent to HRIS. HRIS will enter completed Form I-9s for graduate student assistantships into PeopleSoft, and will regularly audit appointments for compliance. We recommend that forms are drop-boxed (to Ellen Stotler at ed12@cornell.edu or Alida Smith at ams755@cornell.edu) to HRIS due to time constraints. Forms may also be faxed (607-255-2309) or mailed interoffice to HRIS, 395 Pine Tree Road, Suite 230.

All **students** who are US citizens, permanent residents, or international students who hold F-1 visas are to complete the I-9 with the employing department. If the **student** is here on a visa other than F1, the **student** needs to confirm their employment eligibility and complete the I-9 form through the **International Students and Scholars Office**. Completed I-9 forms must be sent to the appropriate department, as identified above, for review and processing.

Frequently Asked Questions

Do I have to complete a form I-9 for all employees?

You must complete Form I-9 each time you hire any person to perform labor or services in the United States in return for wages or other remuneration. Remuneration is anything of value given in exchange for labor or services, including food and lodging.

What do I do if I am hiring someone for less than 3 business days?

If you hire a person for fewer than three business days, Sections 1 and 2 of Form I-9 must be fully completed at the time of hire – in other words, by the first day employment for pay begins. You may not begin the Form I-9 process until you offer an individual a job and he or she accepts your offer.

Retaining Copies of Form I-9 Documentation

Cornell University practice is to view the documents only, to avoid the need for secure storage of copied documents containing sensitive employee data (i.e. social security number, etc).

What happens if the I-9 form is not completed on time? What is the impact to the student or department?

On November 6, 1986, the enactment of the Immigration Reform and Control Act required employers to verify the identity and employment eligibility of their employees and created criminal and civil sanctions for employment related violations. If the Form I-9 is not completed in accordance with the requirements, the employee must be terminated at the end of the 3rd business day from when the employee begins work for pay. For example, if the employee begins employment on Monday, Section 2 must be completed by Thursday.

Can I have the I-9 completed during the interview process?

To be in compliance, Form I-9 must be completed after a job offer has been extended and accepted and by the first day of paid work (Section 1), with final completion of the I-9 (Section 2) no later than three business days from when the employee begins work for pay.

I am hiring a returning student. Do I need to complete a new Form I-9?

Students who have a break in service of more than 12 months must complete a new I-9 form. If the break in service is less than 12 months, and if the I-9 on file is still valid, then a new I-9 would not need to be completed.

If the student has withdrawn from Cornell, and then is readmitted, do I need to complete a new Form I-9?

Either a new Form I-9 must be completed or, if you have a copy of the original completed Form I-9 and all eligibility documents remain valid (unexpired), then you may complete Section 3.

NOTE: The newest version of the I-9 form (dated 3/8/2013) must be used for all Section 3 Rehire reverifications, and filed with the previously completed I-9. Section 3 of the employee's previously completed I-9 may only be used if the I-9 is the current version (dated 3/8/2013).

Do I need to complete a new I-9 if the employee has previously worked at Cornell?

Section 3 of the I-9 may be completed for rehires who:

1. Have been actively employed at Cornell within the past three years; and
2. Have a completed form I-9 on file that is able to be accessed by the department; and
3. All employment eligibility documents (i.e. driver's license, etc.) previously presented are currently unexpired.

NOTE: The newest version of the I-9 form (dated 3/31/2013) must be used for all Section 3 Rehire reverifications, and filed with the previously completed I-9. Section 3 of the employee's previously completed I-9 may only be used if the I-9 is the current version (dated 3/31/2013).