



Administrative Procedure

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Page:	1 of

Subject: CONDITIONS OF EMPLOYMENT

1.0. PURPOSE:

To establish the obligations selected candidates are required to meet prior to appointment to University positions.

2.0. ORGANIZATIONS AFFECTED:

All organizational units of the University, excluding Auxiliary organizations.

3.0. REFERENCES:

- 3.1. Government Code, Sections 3100-3109.
- 3.2. Labor Code, Section 4327.
- 3.3. Office of the Chancellor Memoranda, FSA 68-71, FSA 74-02, FSA 74-02A, FSR 87-05, FSR 87-05 Supplement #1 and FSR/Benefits 6600, 90-07.
- 3.4. Office of the Chancellor Memorandum, July 17, 1998, Subject: Presentation of Social Security Cards.
- 3.5. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

4.0. POLICY:

- 4.1. Selected candidates of the University are required to meet certain obligations before they may be appointed to University positions and receive the remuneration and/or benefits to which employees are otherwise entitled.
- 4.2. Employers must have documentation to prove that every employee hired on or after November 6, 1986, has the legal right to work in the United States. This requirement applies unconditionally to both United States citizens and those on alien status and visas. Failure to comply with this requirement subjects employers to both criminal and civil penalties.

Approved:

Date:

- 4.2.1. **EXCEPTION:** Individuals rehired who had previously met the IRCA verification requirements, need not resubmit documentation upon subsequent employment provided they are still authorized to accept employment. In such cases, no additional verification or completion of a new I-9 form is required, as long as the person is rehired within three (3) years of the initial execution of the I-9 form.
- 4.2.2. Special Lecturers appointed for more than one day are required to provide documentation and complete an I-9 form.
- 4.2.3. All aliens who have been admitted to the United States for permanent residence must provide an Alien Registration Card. A copy of the employee's Alien Registration Card will be made for Human Resource Management record keeping and the original returned to the employee. All aliens are also required to sign a Declaration of Permission to Work on the Appointment/Change form, HRM-202A-1.
- 4.2.4. Visas must be cleared through the International Student Services Office.
- 4.3. Selected candidates hired for positions which require fingerprinting will be so advised prior to the time an offer of employment is extended.
- 4.4. Selected candidates hired for positions which require a valid license will be advised to bring their license to the Human Resource Management-Processing Section on the first day of employment. A copy will be made for the personnel file and the original returned to the employee.
- 4.5. Selected candidates hired for positions must present their actual Social Security card. A copy will be made for the personnel file and the original returned to the employee.

5.0. DEFINITIONS:

- 5.1. Immigration Reform and Control Act of 1986 -- The Immigration Reform and Control Act of 1986 (IRCA), (Public Law 99-603), was signed into law by President Reagan on November 6, 1986. Specifically, the law provides that it is unlawful to knowingly hire, recruit, or refer for a fee, an unauthorized alien, or to continue the employment of a person who is or becomes an unauthorized alien. These provisions do not apply to persons employed prior to the date of enactment.

- 5.2. Employer -- While the State of California is officially the employer, for the purposes of this procedure, employer is more specifically defined as follows:
 - 5.2.1. For all full, part-time, and temporary staff employees, the employer is the Human Resource Manager.
 - 5.2.2. For all full and part-time faculty and Graduate Assistants, the employer is the Dean of the respective College.
 - 5.2.3. For all full and part-time Librarians, the employer is the University Librarian.
- 5.3. Selected Candidate -- Individual to whom an offer of employment is to be extended to fill any full-time, part-time, temporary or permanent position.
- 5.4. Employment Eligibility Verification (Form I-9) -- Form authorized by the United States Attorney General certifying that the selected candidate has the legal right to work in the United States. The certification is declared under penalty of perjury.
- 5.5. Verification Documents -- Documents required for proof of identity and the legal right to work in the United States. The documents must be originals or certified copies. The following documents are the **only** acceptable documents:
 - 5.5.1. Documents that prove both identity and the legal right to work in the United States:
 - (A) United States Passport
 - (B) Certificate of United States Citizenship
 - (C) Certificate of Naturalization
 - (D) Unexpired Foreign Passport with current endorsement of the Attorney General
 - (E) Alien Registration Card with photograph
 - (F) Temporary Resident Card
 - (G) Employment Authorization Card

5.5.2. Documents individually providing proof of identity and proof of the legal right to work in the United States. Both are required.

5.5.2.1. Documents that prove identity:

- (A) Driver's License
- (B) State-issued identification with photograph
- (C) School identification card with a photograph
- (D) Voter's Registration card
- (E) U.S. Military card or draft record
- (F) Identification card issued by federal, state or local government agencies or entities
- (G) Military dependent's identification card
- (H) Native American tribal documents
- (I) United States Coast Guard Merchant Mariner Card
- (J) Driver's license issued by Canadian government authority

5.5.2.2. Documents that prove legal right to work in the United States:

- (A) Valid Social Security Card
- (B) United States Birth Certificate
- (C) Certificate establishing United States nationality at birth
- (D) Unexpired reentry permit
- (E) Unexpired refugee travel document
- (F) Certification of birth abroad issued by the State Department
- (G) United States Citizen Identification Card
- (H) An employment authorization document issued by the Immigration and Naturalization Service

5.6. Appointment/Change Form -- Form HRM-202A-1 containing the loyalty oath.

5.7. Employee Action Request -- Standard form 686 required for the purpose of providing employee information and selecting the Federal and State withholding allowance desired.

5.8. Health Questionnaire -- Confidential form OPS-003A used for the purpose of requesting certain health information in order that the University may evaluate medical fitness as it pertains to specific job duties. In some cases, a medical examination may be required.

- 5.9. Alien Registration Receipt Card (Blue or Green Cards) -- Forms AR-3a or 1-151 required of all aliens who have been admitted to the United States for permanent residence.
- 5.10. Social Security Card -- The original card must be presented as a result of Circular E, Employer's Tax Guide.

6.0. RESPONSIBILITIES:

6.1. Employer will:

- 6.1.1. Advise all applicants of the conditions of employment during initial recruitment period and/or prior to the time an employment offer is extended.
- 6.1.2. Ensure that Employment Eligibility Verification form (I-9) is completed by selected candidate, copies of appropriate verification documents are attached, form is signed by selected candidate and the Human Resource Manager, Dean or University Librarian or designee.
- 6.1.3. Request and make a copy of the original Social Security card.
- 6.1.4. Ensure selected candidates with temporary work permits are renewed. Subsequent documentation will be required for continued employment.
- 6.1.5. Forward documents to Human Resource Management prior to or on the first day of employment.

NOTE: New employees will not be processed without the above-mentioned documents.

6.2. Selected Candidate will:

- 6.2.1. Report to Human Resource Management-Processing Section on the first day of employment.
- 6.2.2. Provide employer with original or certified copy of Employment Eligibility Verification documents prior to or on the first day of employment.
- 6.2.3. Provide employer with original Social Security card prior to or on the first day of employment.

- 6.2.4. Complete the required forms.
- 6.2.5. All selected candidates who are citizens of the United States, regardless of the anticipated length of appointment, must sign the Oath of Allegiance affirming their allegiance to the Constitution of the United States and to the State of California on their first day of employment. No alteration of the subscribed oath is permitted.
 - 6.2.5.1. Aliens are not required to sign the loyalty oath until such time as they become citizens.
 - 6.2.5.2. Volunteer employees, who receive no remuneration for services performed, are not required to sign the loyalty oath.
- 6.2.6. Allow fingerprints to be taken and/or provide valid license, if required.

6.3. All Administrators will:

- 6.3.1. Ensure that Employment Eligibility Verification form (I-9) is completed by selected candidate; copies of appropriate verification documents are made and attached; form is signed by authorized agent (i.e., Human Resource Manager, Dean or University Librarian or designee); and all accompanying documents are forwarded to Human Resource Management prior to or on the first day of employment, or no later than three (3) working days of date of hire.
- 6.3.2. Ensure that Special Lecturers I-9 form verifying documentation and a Special Lecturer Request Form are forwarded to the Accounting Department prior to or on the first day of employment or no later than three (3) working days of date of hire.
- 6.3.3. Ensure employee provides original Social Security card prior to or on the first day of employment.

7.0. PROCEDURES:

- 7.1. The Human Resource Manager, Dean or University Librarian, as appropriate, will advise selected staff candidate of the conditions of employment prior to or at the time an employment offer is extended.

- 7.2. The selected candidate will provide the employer with an original or certified copy of Employment Eligibility Verification documents, an original Social Security card, and sign the Oath of Allegiance prior to or on the first day of employment.
- 7.3. The Human Resource Manager, Dean or University Librarian will:
 - 7.3.1. Ensure that Employment Eligibility Verification form (I-9) is complete and attest to the accuracy thereof.
 - 7.3.2. Forward I-9 form with attached documents along with appropriate forms to Human Resource Management prior to or on the first day of employment.
 - 7.3.3. Forward copy of Social Security card to Human Resource Management prior to or on the first day of employment.
- 7.4. The Processing Assistant will:
 - 7.4.1. Copy documents attesting to the identity of the selected candidate and their legal right to work in the United States and any required licenses or degrees and return the originals to the selected candidate.
 - 7.4.2. Ensure that the required forms are properly completed by the selected candidate.
 - 7.4.2.1. Ensure that the Application for Employment is signed and dated by all selected candidates with the following exceptions:

(A) Volunteer Employee	Class Code 0050
(B) Summer Youth Aid	Class Code 0100
(C) Student Assistant	Class Code 1870
(D) Student Trainee, Work Study	Class Code 1871
 - 7.4.3. Provide the Request for Live Scan Service form (BC11 8016) and refer the selected candidate to Public Safety for fingerprinting, if appropriate.
 - 7.4.4. Provide benefits information to the selected candidate, if applicable.
 - 7.4.5. Issue a temporary identification card to the selected candidate.

7.4.6. Discuss availability of discount cards with the selected candidate, if applicable.

7.4.7. Distribute copies of the forms as required.

8.0. APPENDICES:

8.1. Staff Application for Employment, HRM-002A.

8.2. Faculty Application for Employment, SU-1.

8.3. Employment Eligibility Verification form (I-9).

8.4. Appointment/Change form, HRM-202A-1.

8.5. Employee Action Request, Standard form 686.

8.6. Health Questionnaire, OPS-003A.

8.7. Request for Live Scan Service form, BC11 8016.