SJSU Research Foundation
E-Verify Policy

Human Resources

1.0 Purpose

This policy outlines San Jose State University Research Foundation's ("Research Foundation") guidelines regarding the E-Verification process and procedure. As a federal contractor, the Research Foundation is in compliance with Federal Government requirements and mandates regarding ensuring, through the E-Verify process, that its employees are duly authorized to work in the United States.

2.0 Responsibility

The senior director of Human Resources and HR team, in close partnership and collaboration with all executives, directors, and managers at the Research Foundation, is responsible for driving, implementing, and ensuring compliance with the *E-Verify Policy.* This includes principal investigators (PIs), who direct and manage projects and programs being administered through the Research Foundation.

3.0 Scope

The E-Verify mandate applies to all new employees and re-hired employees of the Research Foundation, regardless of their location and worksite within the U.S., and irrespective of their source of funding. All newly hired, rehired, and current employees whose authorizations have lapsed are responsible to comply with this policy.

This policy excludes and exempts only those employees who were hired before November 6, 1986, and who are still in continuous employment with the Research Foundation. These employees are specifically excluded in the underlying E-Verify legislation.

4.0 Definitions

This table provides definitions for special terms, acronyms, and abbreviations used in this policy.

Term, Acronym, or Abbreviation	Description
Principal Investigator (PI)	The director or manager of the project or program that is being administered through the Research Foundation. PIs are typically SJSU faculty or researchers. The PI assumes the role of supervisor for his or her project, and is responsible to abide by the *E-Verify Policy*, as well as all other employment-related policies.

Employee	An individual who works either part time or full time for the SJSU Research Foundation. The employee may be benefited or non-benefited; exempt or non-exempt. As an employer, the Research Foundation has the power or right to control and direct the employee in the material details of how the work is performed.
E-Verify	An Internet-based system and process that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility. In a memorandum to all Research Foundation employees, the Director of Human Resources advised that the E-Verify program would be implemented by the Research Foundation on June 1, 2011, and provided details for implementation.
Federal Contractor Regulation/Executive Order 12989	On September 8, 2009, the Federal Contractor Regulation went into effect. That rule implemented Executive Order 12989, as amended on June 6, 2008. Executive Order 12989 directed federal agencies to require many federal contractors who were entering into new contracts to use E-Verify on all new employees, and on existing employees working on covered federal contracts. The E-Verify Federal Contractor Rule affects Federal contractors who were awarded a new contract on or after the effective date of the rule, September 8, 2009, that includes the Federal Acquisition Regulation (FAR) E-Verify clause (found at 48 C.F.R., Subpart 22.18).

5.0 Policy

U.S. law requires companies to employ only individuals who may legally work in the United States—either U.S. citizens, or foreign citizens—who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment. A presidential executive order and subsequent Federal Acquisition Regulation (FAR) rule required federal contractors to use E-Verify to electronically verify the employment eligibility of employees working under covered federal contracts. The order and the rule reinforce Federal Government policy that the Federal Government does business only with organizations that have a legal workforce.

Covered federal contractors are required to use the E-Verify system to electronically verify the employment eligibility of all new hires at all hiring sites, as well as to verify current employees who will directly perform work under a federal contract, with narrow exceptions. The rule also requires covered contractors to "flow down" these obligations to certain subcontractors, who will then likewise become subject to the E-Verify requirements.

The SJSU Research Foundation ("Research Foundation") determined that it is a "contractor" within the meaning of FAR regulations. In partnership with Equifax Workforce

Solutions, a third party administrator, it implemented its E-Verify program effective June 1, 2011.

The Research Foundation, in compliance with federal rules, uses the E-Verify system to verify the employment eligibility of all new and rehired employees, regardless of their location and worksite within the U.S., and irrespective of their source of funding.

5.1 Definition

E-Verify is an Internet-based system that allows the Research Foundation, using information reported on an employee's Form I-9 Employment Eligibility Verification, to electronically submit that information to determine the eligibility of that employee to legally work in the United States. The employee's electronically submitted information is routed through the E-Verify portal directly to the Social Security Administration and the U.S. Citizenship and Immigration Services. That information will be matched against the government's records to determine whether or not the new hire is legally authorized to work in the United States.

The E-Verify system is operated by the Department of Homeland Security in partnership with the Social Security Administration.

5.2 Who Is and Is Not Covered by E-Verify

On June 1, 2011, the Research Foundation implemented the E-Verify online portal and system to verify the employment eligibility of all new employees and re-hired employees, regardless of their location and worksite within the U.S., and irrespective of their source of funding. Only those employees who were hired *before* November 6, 1986, and who are still in continuous employment with the Research Foundation, are **exempted** from the E-Verify policy and program, as these employees are specifically excluded in the underlying E-Verify legislation.

5.3 E-Verify Process at the Research Foundation

All new and rehired employees of the Research Foundation, benefited and non-benefited, exempt or non-exempt, must enter and submit their information electronically into the www.newi9.com , a portal administered by Equifax Workforce Solutions, within three (3) business days of the date that they begin their work assignment. The process is the same for current employees of the Research Foundation who are re-verifying their employment.

The Federal Government strictly enforces this "three day" requirement, and imposes monetary penalties upon Employers who fail to comply with this directive.

Once the employee fills in his or her information and submits it online, he or she is required to present his or her original documents to the Research Foundation for inspection. Once the Research Foundation electronically certifies the employee's legal documentation, the information is then routed by Equifax directly to the Social Security Administration and the U.S. Citizenship and Immigration Services. That information will be matched against the government's records to determine whether or not the new hire is legally authorized to work in the United States.

> **Note:** E-Verify provides critical information concerning employment eligibility **only.** E-Verify is not a credit check of any kind, a check to determine whether or not an employee is current on child support or other obligations, or a criminal background check.

6.0 Related Policy Information

Memorandum Communicating Implementation of E-Verify – Dated May 26, 2011.

7.0 Required Forms

This table contains a list of forms and special tools referenced in this document.

Form	Description of Use
Electronic I 9 Portal	All new and rehired employees of the Research Foundation, benefited and non-benefited, exempt or non-exempt, must enter and submit their information electronically into www.newi9.com , a portal administered by Equifax Workforce Solutions, within three (3) business days of the date that they begin their work assignment.
Required Documentation	As noted on the electronic online I 9 form, an employee can choose to present either one document from List A, which establishes both identity and employment authorization; or one document from List B, documents that establish an employee's identity, AND a document from List C, documents that establish employment authorization. **Documents from List A include**: a US Passport or US Passport card; Permanent Resident Card or Alien Registration Receipt Card (Form I-551). **Documents from List B include**: a Driver's license or ID card issued by a State or outlying possession of the United States, provided it contains a photograph; or a Voter's registration card. **Documents from List C include**: a Social Security Account Number Card; an original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal.

8.0 References and Related Information

E-Verify Portal: **https://www.uscis.gov/e-verify**

E-Verify Portal FAQs:
https://www.uscis.gov/faq-page/e-verify-frequently-asked-questions

9.0 Record Retention

All documents and records are maintained in accordance with SJSU Research Foundation *Record Retention* requirements.

Record	Retention
E-Verify Policy	This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation Record Retention requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.

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