



Human Resources

Policy Title: Form I-9 (Employment Eligibility) Policy

Effective: June 1, 2017

PURPOSE:

In compliance with the Immigration Reform and Control Act of 1986 ("IRCA") and any other applicable federal, state, or local laws, Mercy is committed to:

- Employing only those who are authorized to work in the US.
- Not discriminate on the basis of national origin or citizenship in hiring, recruiting, or terminating employees.

POLICY:

Mercy must complete and retain a Form I-9 for each co-worker hired after November 6, 1986, and refrain from discriminating against individuals on the basis of national origin or citizenship. A Form I-9 does not have to be completed for persons who are:

- i. Hired before November 7, 1986,
- ii. Independent contractors,
- iii. A contractor providing contract services (e.g., temporary employment agency),
- iv. Consultants and other non-employed persons (volunteers, vendors, interns, etc.).

PROCEDURE:

Form I-9 Process

For all co-workers hired after November 6, 1986, a Form I-9 must be completed. (Note: Mercy does not require a new Form I-9 to be completed when a co-worker transfers from one Mercy entity to another.)

There are three sections of the Form I-9: Section 1 is completed by the co-worker; Section 2 is completed by a representative of Mercy; Section 3 is not filled out unless the co-worker's temporary employment eligibility is being re-verified or the co-worker is rehired within three (3) years.

Responsibility for Completing a Form I-9

Human Resources at a Mercy location/facility is responsible for ensuring that each co-worker has a complete, accurate and timely executed Form I-9, as well as ensuring that re-verification of work authorization is completed when required.

Timing of Completion

Both Sections 1 and 2 of the Form I-9 should be completed on or before the first effective date of:

- Employment, or
- Acquisition

Section 1 must be completed and signed by the co-worker on or before the first day of employment. The Form I-9 cannot be completed unless a conditional offer of employment already has been accepted.

Although it is preferred that a representative of the Human Resources team/HR and/or designee complete Section 2 by the first day of employment, in some situations this may not be possible. In that event, Section 2 must be completed on or before the third business day of employment.

If a co-worker's employment will last less than 3 days, both Sections 1 and 2 must be completed by the first day of employment as there is no grace period to produce Section 2 documents in such circumstances.



If a candidate has accepted an offer of employment, Mercy may provide the Form I-9 to the candidate in advance of the start date and/or advise the candidate to bring the requisite documentation on the start date. The I-9 employment eligibility verification process must be completed for each new co-worker within the required time frame. There are no exceptions to this requirement. Co-workers who do not complete the process within the required time frame will be terminated immediately.

The Co-Worker Portion – Section 1 of the Form I-9

Mercy must ensure that the co-worker completes Section 1 of the Form I-9 no later than the first day of the actual rendering of services. A representative of the Human Resources team/HR and/or designee shall confirm that the co-worker completes all of the boxes and signs and dates the certification section, as it is Mercy's responsibility to ensure that Section 1 is timely and properly completed.

The co-worker is required to provide the date on which he or she executed Section 1 next to the box in which he or she signs the certification under penalty of perjury.

If a translator or preparer is used to complete Section 1, ensure that the preparer and/or translator certification is completed.

The Employer Portion – Section 2 of the Form I-9

Verification on the Form I-9 Section 2 is conducted by Mercy's human resources department at the worksite where the new employee will work. Verification of Mercy's remote employees is completed by an authorized agent deputized for that purpose. Section 2 of the Form I-9 generally should be completed at the same time that the co-worker completes Section 1. By law, however, this section must be completed no later than the third day of the actual rendering of services by the co-worker.

Mercy will accept any document or combination of documents that satisfy IRCA's requirements. The documents must be original and unexpired. Mercy will provide advance notice to new co-workers about what documents are acceptable. The document(s) will be reviewed to determine if they appear to be genuine and related to the person who has presented them. If sufficient acceptable documents are presented by the co-worker, Mercy will not request more or additional documents. As an E-Verify employer, Mercy may only accept List B identity documents that contain a photograph. If the new co-worker presents too many documents, they will be returned to the employee with the I-9 List of Acceptable Documents so that the co-worker can select the appropriate document(s) to satisfy the I-9 requirements.

If the documents are acceptable based on the Human Resources and/or designee's subjectively reasonable review, Section 2 should be completed. Human Resources and/or designee must ensure that all boxes on the form are complete. As stated on page 1 of the Form I-9, be careful to record the following regarding each Section 2 document:

- i. Document title;
- ii. Issuing authority;
- iii. Document number; and
- iv. Expiration date, if any.

Be sure to include the co-worker's hire date in the bold text in Section 2 where indicated, using the date the co-worker starts on payroll. Finally, the Human Resources and/or designee should sign the form, in addition to providing his or her name, title, business name, business address and the date on which he or she verified the co-worker's Section 2 original documents.



If a person with a disability, who is placed in a job by a nonprofit organization or as part of a rehabilitation program, cannot present a List A document or an identity document from List B, the Form I-9 should be completed in the following way:

- i. A representative of the nonprofit organization, a parent or a legal guardian must complete Section 1 and enter "Special Placement" in the space for the co-worker's signature;
- ii. The representative, parent or legal guardian must complete the "Preparer/ Translator Certification" block;
- iii. The Human Resources and/or designee should enter "Special Placement" in Section 2, under List B;
- iv. The co-worker with a disability must present a List C document showing his or her employment eligibility; and
- v. The Human Resources and/or designee should complete the remainder of Section 2.

Mercy will photocopy the document(s) presented and retain the copy with the completed Form I-9 securely in a separate location from other personnel material.

Receipts

Receipts are acceptable for Form I-9 purposes only in very limited circumstances. If the Human Resources and/or designee accepts a receipt, he or she must update the Form I-9 within 90 days of the hire date.

It is permitted to accept a receipt that indicates an application for a replacement List A, B or C document that has been submitted.

A receipt showing an application for an extension of expiring/expired employment authorization is not acceptable.

The co-worker must have indicated, by having checked an appropriate box in the Section 1 attestation section that he or she is already eligible to be employed in the United States.

When a co-worker provides a receipt showing that he or she has applied for an acceptable replacement document, record the document title in Section 2 of the Form I-9 and indicate that the document is a receipt.

If a receipt is accepted, the original Form I-9 must be updated within 90 days of the start date of employment. To update the Form I-9, the co-worker must present the actual document or another acceptable Form I-9 document. At the time the replacement document is presented update the Form I-9. If a co-worker does not present an acceptable document by the 90th day, then the co-worker will be terminated.

Reverification and Rehires – Section 3 of the Form I-9

Form I-9s must be reverified or updated in certain circumstances. For those co-workers whose employment authorization will expire, Mercy will use a "tickler system" to track (manually or electronically). Co-workers with expiring employment authorization dates should be notified at least 120 days in advance of expiration that re-verification is required and that the co-worker cannot continue to work once employment authorization has expired unless reverification is completed.



If the individual's employment authorization is expiring, new documentation must be provided to ensure continued eligibility to work in the United States on or before the expiration date of the co-worker's existing work authorization. Use section 3 of the original Form I-9 to re-verify or update a co-worker's employment authorization.

Reverification due to an expiration date is needed only for EMPLOYMENT AUTHORIZATION that expires. It is NOT needed for identity documents that expire, U.S. passports that expire, or evidence of permanent residence that expires. Stated another way, the following documents are never reverified: Identity documents, which are List B documents, and U.S. passports or permanent resident cards ("green cards"), which are both List A documents.

If an individual who was formerly employed by Mercy is rehired within three years of his or her original hire date, the Human Resources and/or designee should do one of the following:

- Complete the rehire portion of Section 3 of the existing Form I-9 if the work authorization documents are the exact same (with the same expiration dates) as the original Form I-9 documents
- Complete a new Form I-9 if the work authorization documents are different in any way from the original Form I-9 documentation

Reverification for Name Change

When co-workers notify Mercy's human resources department of a name change, the notified party must note the name change in Section 3 of the Form I-9.

Retention Requirements

Mercy is required to retain each co-worker's Form I-9 for three years from the date of hire, or one year from the date of termination of employment, **whichever is later**.

Storage Requirements

Paper form I-9's completed prior to implementation of the electronic must be stored separately from other employment records in a secure environment. Mercy uses an electronic I-9 system for the employment eligibility verification process. This system comports with USCIS audit trail, security, and privacy requirements. All Form I-9 information and document copies are retained electronically.

Form I-9 Compliance Training and Questions

Mercy requires that all co-workers involved in any aspect of immigration compliance undergo regular training. The training is conducted annually and attendance is mandatory. Before Human Resources the Human Resources and/or designee can begin handling Form I-9 compliance procedures the mandatory training must be successfully completed. Any questions regarding the work authorization of a co-worker should be referred to HR, Legal or HR Standardization.

Government Audits

In the event that Mercy is notified of a government audit, by U.S. Immigration and Customs Enforcement, the U.S. Department of Labor, or any other government agency, Mercy's Legal Department must be notified immediately. Under no circumstances should any Mercy co-worker take steps to respond to an audit request without receiving direction from Legal.



THIS IS AN INSTITUTIONAL POLICY AND MAY NOT BE REVISED, CHANGED OR AMENDED DEPARTMENTALLY. THIS FORM I-9 (EMPLOYMENT ELIGIBILITY) POLICY SUPERSEDES AND REPLACES ANY AND ALL PRIOR FORM I-9 (EMPLOYMENT ELIGIBILITY) POLICIES AND INCONSISTENT VERBAL OR WRITTEN POLICY STATEMENTS.

APPROVALS:

Legal review by: Nathan Harris (Labor and Employment Counsel)

Final Approval by: Cynthia Mercer (Senior Vice President, Chief Administrative Officer)

Cynthia Mercer