

<b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b>	Transmittal # 18-6	Policy # 3.59
Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities	Related Standards & References: Immigration Control and Reform Act of 1986 (8 USC 1324(a)) Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §13-10-91) 8 C.F.R. 274a.2 DJJ 5.8, 5.9	
Chapter 3: PERSONNEL	Effective Date: 3/26/18 Scheduled Review Date: 3/26/19	
Subject: EMPLOYMENT ELIGIBILITY VERIFICATION	Replaces: 12/9/15 Office of Human Resources	
Attachments:  A –Form I-9	APPROVED:   <hr/> Avery D. Niles, Commissioner	

**I. POLICY:**

The Department of Juvenile Justice shall comply with federal and state laws and regulations concerning verification of employment eligibility and record keeping.

**II. DEFINITIONS:**

None.

**III. PROCEDURES:**

A. In order to establish employment eligibility, the U.S. Department of Homeland Security Form I-9 (Attachment A) must be completed for all newly hired employees, including employees returning to State government employment after a break in service. (Employees being internally promoted, transferred, or demoted will not be required to complete a Form I-9).

1. All new employees must complete Section 1 of the Form I-9 *before their first day of employment*. If a preparer or translator assists the employee in completing this section of the Form I-9, then the preparer or translator must complete the certification block in that section.
2. The new employee must present documentation verifying both identity and employment eligibility along with the Form I-9. (The Form I-9 lists acceptable documents that may be presented by the employee.)
  - a) The employee will choose which document(s) to present from the list.
  - b) DJJ staff may not specify which document(s) must be presented. If the employee asks which document(s) to present, he/she should be told to

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present any document from List A, or any document from List B plus any document from List C.

- c) DJJ staff may not require more than the minimum number of documents required by Form I-9.
  - d) DJJ staff must accept the documents provided by the employee so long as the documents reasonably appear to be genuine and to relate to the person presenting them.
3. The local DJJ human resources representative will review Section 1 of the Form I-9 to ensure that it has been properly completed. The local DJJ human resources representative will review and photocopy the documentation provided by the employee and immediately complete Section 2 of the I-9 Form. (Even though certain documents indicate that they may not be photocopied, they may be photocopied for this purpose.)
  4. The original complete Form I-9, along with the photocopies of supporting documentation, must be included in the Hiring Packet forwarded to the Office of Human Resources at least 4 business days prior to the effective date of the appointment.
- B. A new employee who is unable to provide required documentation upon reporting to work must provide the required documentation or provide a receipt for replacement documentation within 3 business days of employment. If the employee provides a receipt for replacement documentation, the employee must provide the actual documentation within 90 calendar days. Receipts are permissible only for replacement documentation (i.e., lost, stolen or damaged documents). (Receipts for applications for initial documents or extensions are not acceptable.)
  - C. Local human resources representatives will refer questions about acceptable required documents to the Office of Human Resources.
  - D. A Personnel Technician within the Office of Human Resources will verify employment eligibility in the Employment Eligibility Verification system within 3 business days after hire. The Personnel Technician will file the printed verification in the employee's official personnel record (DJJ 5.9, Personnel Records). If an employee's eligibility for employment cannot be verified, the Hiring Manager will be notified and the employee must be dismissed.
  - E. Failure to Provide Satisfactory Documentation:  
  
Any employee who fails to produce a required document(s) within 3 business days of employment, or who originally presented a receipt for replacement document(s) then fails to produce the actual document(s) within 90 days of employment, will be dismissed from employment.

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F. Updating and Re-verification:

When an employee's name changes or his/her work authorization expires, employment eligibility must be re-verified. Section 3 of the employee's Form I-9 must be used for updating or re-verifying the form. Local human resources representatives will monitor the expiration dates of employment authorizations and re-verify employment eligibility *prior to* the expiration of the employee's work authorization.

G. Submission of Fraudulent Documentation:

Any employee who uses fraudulent identification or employment eligibility documents, or who uses documents that were lawfully issued to a different person, or who makes a false statement or attestation on the Form I-9 will be dismissed from employment. (See DJJ 5.8, Documentation Standards.)

H. Records Retention:

The original, completed Form I-9 and supporting documentation will be maintained in the employee's official personnel record for 7 years after the date that employment ends. (Copies may be maintained in the employee's shadow file.)

I. Unlawful Discrimination:

It is illegal to discriminate against any individual authorized to work in the United States in hiring, discharging or recruiting because of that individual's national origin or citizenship status. The refusal to hire an individual because of a future expiration date of employment documents may constitute illegal discrimination.

**IV. LOCAL OPERATING PROCEDURES REQUIRED: NO**