Personnel Duties

The Director of Human Resources shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies

The Director of Human Resources or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies, which shall advance the commitment of St. Mary's Charter School ("School") to equal opportunity employment and to recruit well-qualified candidates. Current School employees may apply for any vacancy for which they qualify.

Applications

All applicants shall complete the application form supplied by the School. Information on applications shall be confirmed before hiring or as soon as possible thereafter.

New Hires

I-9 Forms

The Superintendent or designee shall ensure that an employee properly completes section 1 ("Employee Information and Verification'') on Form I-9 at the time of hire and shall ensure that the Form I-9 is processed in compliance with the procedures set forth in this policy.
All newly-hired regular and temporary, part-time, and full-time employees are subject to the I-9 employment verification process. All letters confirming employment should contain language notifying newly-hired employees: (1) that they are subject to the I-9 employment verification process; and (2) of their obligation with respect to completing that process.
8 CFR 274a.2.

New Hire Reporting

The School shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain the School's name, address, and employer identification number.

The School may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the School's payroll address for mailing of notice to withhold child support.

The School shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the School and in a format acceptable to the attorney general.

Deadline
New hire reports are due:

1. Not later than 20 calendar days after the date the School hires the employee; or
2. In the case of the School transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency. Family Code 234.101–.105; 1 TAC 55, Subch. I.

Exit Interviews and Exit Reports
An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the School.

Social Security Numbers
It shall be unlawful for the School to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions
The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to the School maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the School's jurisdiction.

Statement of Uses
Upon disclosing an employee's social security number, the School shall inform that employee whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Form I-9 Policy and Procedure
SMACS is committed to ensuring that all employees are legally authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. Form I-9 is a United States Citizenship and Immigration Services form used by employers to verify employees' identities and to establish that workers are eligible to accept employment in the United States.

Timeline
The employee must complete section 1 of the Form I-9 at the time of hiring. SMACS must verify employment eligibility and complete Form I-9 by the following dates:
1. Within three business days of hiring. If the employee is unable to present acceptable document(s) by the third business day, the employee must be discharged from employment.
If SMACS hires an individual for employment for a duration of less than three business days, the Superintendent or designee must verify employment at the time of hire.
SMACS shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.
When SMACS] rehires an individual, the Superintendent or designee may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.
2. For an individual whose employment authorization expires, not later than the date of expiration. No Form 1-9 may be backdated for any reason. The form must be completed anddated within the applicable time frame without exception.

Verification Procedure
1. The Superintendent or designee should review section 1 of the Form I-9 to ensure that it was properly completed by the employee. Of particular importance is the assurance that the employee properly completed the following items:
a) Birth date
b) Box checked regarding immigration/citizenship status
c) A number or admission number when the third or fourth box is checked
d) Entry of expiration date if the fourth box is checked

e) Signature and date
2. The documents listed in section 2 of the Form I-9 must be clearly and legibly identified. To the extent permitted by space, abbreviations of the names of the documents should be avoided.
3. The office address on [certificate of formation, articles of incorporation, or other legal document] should be used as the employer's address in the Certification portion of section 2 of the Form I-9.
4. Corrections must be made with the single line of a pen and initialed and dated. Liquid paper ("white-out"), correction tape, or bold, thick markers cannot be used to correct any errors made on the form. The errors must be legible in the event there is an audit of I-9 paperwork.
5. Tampering with or altering the Form I-9 is prohibited by [CHARTER HOLDER] and federal law.

Document Review
1. Original, unexpired documents from the Lists of Acceptable Documents accompanying Form I-9 must be reviewed in the presence of the employee. Photocopies of the documents are not acceptable.
2. The Superintendent or designee may not ask for specific documents or more documents than required on the Form I-9. The employee has the choice of which documents to provide.
3. An employment offer cannot be rescinded based on the expiration date of the work authorization presented at the time of document review. If the employee is legally authorized to work in the United States at the time of the I-9 employment verification process, the authorization must be accepted.
4. The Superintendent or designee must conclude that the documents are genuine, related to the employee, and establish the employee's work authorization and identity before signing section 2. The reviewer should compare the name of the employee on the documents presented, review descriptive information on the documents, and make a visual comparison between the descriptive information and the employee.
5. It is illegal to complete an I-9 employment verification process based on documents the reviewer knows to be forged or fraudulent.

The Receipt Rule
An employee may present a receipt in lieu of a document listed on Form I-9 to complete section 2 or section 3 of Form I-9. The receipt is valid for a temporary period. There are three different documents that qualify as receipts under the rule:
1. A receipt for a replacement document when the document has been lost, stolen, or damaged. The receipt is valid for 90 days. In the case of reverification the receipt is valid until the date the employee's employment authorization expires. At the end of the receipt validity period, the individual must present the replacement document to complete Form I-9.
NOTE: This rule does not apply to employees who present receipts for new

documents following the expiration of their previously held document.
2. A Form I-94/I-94A containing a temporary I-551 stamp and a photograph of the individual, which is considered a receipt for the Permanent Resident Card (Form I-551). The individual must present Form I-551 by the expiration date of the temporary I-551 stamp or within one year from the date of issuance of Form I-94/I-94A if the I-551 stamp does not contain an expiration date.
3. A Form I-9 containing an unexpired refugee admission stamp or computer generated printout of Form I-94 with an admission class of "RE". This is considered a receipt for either an Employment Authorization Document (Form I-766) or a combination of an unrestricted Social Security card and List B document. They employee must present Form I-766 or an unrestricted Social Security card in combination with a List B document to complete Form I-9 within 90 days after the date of hire or the date employment authorization expires, in the case of reverification. Receipts showing that a person has applied for an initial grant of employment authorization or for renewal of employment authorization are not acceptable.

Reverification
When an employee's employment authorization or employment authorization documentation expires SMACS must reverify their employment authorization no later than the date employment authorization expires.
The employee must present unexpired documents from either List A or List C showing authorization to work. Receipts for a lost, stolen, or damaged document are acceptable for reverification.
The Superintendent or designee may use section 3 of Form I-9 for reverification, or if section 3 has already been used for a previous reverification or update, use section 3 of a new Form I-9.
SMACSshould not reverify:
1. U.S. citizens and noncitizen nationals.
2. Lawful permanent residents who presented a Form I-551, Permanent Resident or Alien Registration Receipt card for Section 2. This includes conditional residents.
3. List B documents.

Rehires
If an employee is rehired within three years from the date their Form I-9 was previously completed, the Superintendent or designee may either rely on the employee's previously executed Form I-9 or complete a new one.
If relying on a previously completed Form I-9:
1. If the employee remains employment authorized as indicated on the previous Form I-9, the employee does not need to provide any additional documentation. In section 3, provide the employee's rehire date, any name changes, and sign and date the form.

2. If the previous Form I-9 indicates that the employee's employment authorization has expired, reverify employment authorization in section 3 in addition to providing the rehire date. If the previously executed Form I-9 is not the current version of the form, complete section 3 on the current version of the form.
3. If section 3 of the employee's previously completed Form I-9 has already been used, but the employee is rehired within three years of the original execution of Form I-9, complete Section 3 on a new Form I-9 and attach it to the previously completed form.
Employees rehired after three years of the original completion of the Form I-9 must complete a new Form I-9.

Retention and Storage
SMACS must retain a Form I-9 for each person hired. The documents presented by the employee are to be photocopied and attached to the original Form I-9. The Form I-9 must be maintained separately from the employee's personnel file. I-9s should remain stored and locked with availability to limited authorized personnel. All documents may be used only for I-9 purposes. The records may not be copied or distributed without authorization from the Superintendent.
Forms I-9 for terminated employees must be kept for either one year from the date of termination of employment OR three years from the date of hire, whichever is longer.
Forms for current and former employees should be stored in different files.