

Employment Eligibility Regulation

Version 3 (Current Version)

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Title	Employment Eligibility Regulation
Category	Personnel
Sub-category	Conditions of Employment
Authority	Chancellor
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Contact	Department for People Operations, Success, and Opportunity: 252-328-9847 Student Employment Office 252-737-4473
Related Policies	
Additional References	M-274 –I-9 Handbook for Employers (http://www.uscis.gov/sites/default/files/files/form/m-274.pdf) Form I-9, Employment Eligibility Verification (https://www.uscis.gov/i-9-central)

1. Introduction

1.1 As required by the Immigration Reform and Control Act of 1986, East Carolina University (ECU) only hires individuals who are legally eligible to work in the United States. ECU verifies the identity and employment eligibility of each individual hired, completes and retains a federal Form I-9 for each employee, and does not discriminate against individuals on the basis of national origin or any other Protected Class as outlined in ECU's Notice of Nondiscrimination and Affirmative Action Policy.

1.2 As required by State law, ECU also has a Memorandum of Understanding with the U.S. Department of Homeland Security and the Social Security Administration to electronically verify the employment eligibility of all newly hired employees using the federal E-Verify system.

2. Covered Individuals

2.1 ECU completes a federal Form I-9 and conducts an E-Verify verification for new hires, as well as rehires following a break in service, including faculty, SAAO, EPS, SHRA staff, CSS staff, DMSS staff, postdoctoral research fellows, temporary employees, student employees and all other persons who perform labor or services in return for wages or other remunerations. This requirement applies to every person hired after November 6, 1986. Current employees who move from one position to another, without a break in service, or faculty who have continuous employment are not subject to either the I-9 or the E-Verify processes unless the I-9 on file for

them has substantial errors. A substantial error may include, but is not limited to, a strikethrough in a field, an incorrect name, an incorrect documentation of the supporting documents, and incomplete forms. In this case, we request a replacement I-9 that is not entered into E-Verify.

2.2 Foreign national non-immigrant employees at ECU have employment eligibility until their current visa status expires, as noted on the Form I-9. To the extent reasonably possible, ECU will notify an employee approximately ninety (90) days before the employment authorization documentation previously provided by the employee expires that he or she will need to present documentation of his or her continued authorization to work in the United States. At the time of expiration of their employment eligibility and visa status, foreign national non-immigrant employees must have their I-9 form updated with new employment eligibility documentation. If such employees cannot produce acceptable employment eligibility documentation, employment must be terminated.

2.3 The automatic extension of certain employment authorization documents while timely-filed applications for extension cards are pending will apply in certain circumstances. Such an automatic extension of certain employment authorization documents shall not exceed 180 days from the date of the document's expiration. Automatic extension is only applicable when:

2.3.1 The renewal application was timely filed before the expiration of the employment authorization documents, or during the filing period related to temporary protected status;

2.3.2 The renewal application is based on the same employment authorization category as shown on the face of the expiring employment authorization document, or is for an individual approved whose employment authorization document was issued pursuant to temporary protected status; and,

2.3.3 The individual is eligible for the renewal.

3. Procedures

3.1 ECU verifies the employment eligibility of all newly hired employees by completing the I-9 form and using the federal E-Verify system.

3.2 New employees must complete Section 1 of the I-9 form on, or before, the first day of work.

3.2.1 All student employees must complete both Section 1 and Section 2 prior to the first day of work.

3.3 Department for People Operations, Success, and Opportunity (POSO) or a trained Section 2 verifier within the employee's hiring department complete Section 2 of the I-9 form within three (3) business days after the individual's start date for all employees with the exception of those in student positions. The Section 2 verifier must see original employment and identity documents which must appear to be genuine and related to the person presenting them.

3.4 When individuals are hired to perform work remotely (at a location other than the main ECU campus or Health Sciences campus), the hiring department or POSO consultant should contact POSO's I-9 Coordinator before the individual's first day of employment to make appropriate arrangements to ensure compliance with sections 3.2 and 3.3 above.

3.5 The Section 2 verifier must scan the front and back of all Section 2 documents and attach them to the I-9 form. These documents must be attached in the electronic I-9 system per university policy and the E-Verify Memorandum of Understanding.

3.5.1 Section 2 may be verified by a notary, who will be authorized to act as an official representative. Please contact the I-9 Coordinator for information on how to find a notary.

3.5.2 Section 2 may be completed virtually via Remote I-9 Processing. Steps will include live video interaction with an ECU I9 coordinator who will coordinate with the individual.

3.6 Upon completion of the electronic I-9 process for a new hire, the I-9 system automatically sends the I-9

information to the E-Verify system. The University I-9 Coordinator must monitor the I-9 system (via the “dashboard”) to ensure proper approval and completion of all steps in the I-9 and E-Verify systems.

3.7 If the new employee cannot produce acceptable documents proving employment authorization and/or identity within three (3) business days after the date of hire to complete the I-9 process, the employment must be terminated. The individual will be paid for any services rendered.

3.8 If the new employee's employment eligibility cannot be confirmed through the E-Verify process, the University may be obligated to terminate the employment relationship in order to comply with the Memorandum of Understanding between the University and the Department of Homeland Security.

3.9 All I-9 forms and E-Verify results are stored electronically in the I-9 system. Departments and colleges should not print out, or otherwise maintain, separate copies of the form, results, or supporting documents (such as ID cards, etc.).

4. Authorized Representatives

Only individuals who have completed appropriate I-9 and E-Verify training, and have been named a Section 2 verifier by the Department for People Operations, Success, and Opportunity may access the I-9 system, review documents, complete and monitor the I-9 process, and complete and monitor the E-Verify process on behalf of ECU.

East Carolina University

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