

Agency Human Resource Services

AHRS Periodical



Virginia Department of
HUMAN RESOURCE
MANAGEMENT

Form I-9 Update: Expiration of Employment Authorizations

Employers may only accept unexpired documents that show employees' identity and authorization to be legally employed in the United States. Employees may have applied for Employment Authorization Documents or renewals and have receipts indicating that their application with the United States Citizen and Immigration Services (USCIS) is pending. In some cases, the receipts are acceptable and may be entered on the Form I-9. In other cases, receipts are not acceptable, and an expired VISA or an unapproved application may not serve as an individual's authorization to legally work in the United States. Page six of the [I-9 Handbook for Employers](#) illustrates acceptable receipts and required documents that employees must submit upon final approval from USCIS.

When documents have expired, employees may submit renewed/extended work authorizations or alternative documentation (from List of Acceptable Documents on the Form I-9) to support their eligibility to work in the United States. Documenting continued eligibility to work in the U.S. is a shared responsibility between the employer (state HR staff) and the employee.

Reminders:

- Employers cannot refuse to hire an individual because their employment authorization document will expire in the near future. USCIS considers this action discriminatory and will impose civil penalties against employers who take this action.
- HR must establish a procedure, such as a tickler system, to follow up on expiring documentation. One suggestion is to maintain and follow an electronic calendar call-up system (such as Outlook) for acceptable documents that contain expiration dates AND alert the employees in advance of the expiration dates that their employment eligibility must be re-verified.
- Receipts are acceptable for some employment authorization documents but not others. If you are not certain, contact DHRM immediately. Remember to monitor receipt documents and ensure that the appropriate documentation is presented within the allowable time period as noted on the receipt.
- Employment authorization documents do not necessarily have similar processes or timelines for approvals.

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- ◇ For instance, in order to update a Canadian citizen's I-94A, an employee simply needs to leave the United States prior to the expiration date of the current I-94A TN. Upon the individual's return to the U.S. after the expiration date of the original I-94A TN, the date stamp at the U.S. Border on the new I-94A TN will reset a new two-year period.
- ◇ The process is similar for Mexican citizens, but there are more variables.
- ◇ The process is different for other foreign nationals.
- Re-verifications must be completed using a current version of the Form I-9. Do NOT use E-Verify to re-verify an employee's renewed employment authorization.
- Ensure that more than one team member has access to the tickler system for monitoring expired documentation and following up on receipts.
- Call DHRM for guidance.

The matrix on page 6 of the [I-9 Handbook for Employers](#) provides a list of acceptable receipts and required documents.

Have you ever wondered what other agencies are doing about...?

Watch your email in early November for news about a new opportunity to participate in an online Commonwealth of Virginia HR community of practice. The goal of this community is to provide a quick and easy way for HR leaders and staff to ask questions and discuss topics across agencies within the Commonwealth. It promises to be a great way to help keep you linked in with your peers and AHRS staff!



Probationary Employees - Pre-disciplinary Leave and Written Notices

Although it can be used as guide for addressing inappropriate behaviors, [DHRM Policy 1.60, Standards of Conduct](#), does NOT apply to probationary employees. Due process as described in the policy should be afforded to probationary employees when they are disciplined. However, probationary employees should not be issued written notices or granted pre-disciplinary (paid) leave.



Statewide Pay Action Summary Report for July – September 2011

Reason	All Actions	Salary Changes	Average % Change
Agency Non-Routine	1	1	-8.68
Agency Special Rate	668	667	1.20
Change of Duties Salary	270	268	7.74
Competitive Salary Offer	34	34	11.16
Competitive Voluntary Transfer	609	407	7.75
Disciplinary Demotion	6	6	-14.55
Downward Role Change	13	3	-9.55
End Temp Pay: Acting Status	117	117	-8.27
End Temp Pay: Additional Duties	73	73	-7.45
End Temp Pay: Special Assignment	13	13	-6.01
Exceptional Promotion	19	19	10.14
Field Change	1	1	-9.09
Internal Alignment Salary	3713	3706	2.37
Lateral Role Change	344	29	6.22
New Knowledge/Skills/Abilities	312	311	7.31
Non-Competitive Voluntary Trans	231	64	4.51
Non-Routine	104	101	7.62
Perf Reduction Salary/Duties	1	1	-5.00
Performance Demotion	2	2	-8.78
Promotion	402	399	14.38
Reassignment	112	2	5.81
Retention Salary Increase	1193	1193	2.70
Temp Pay: Additional Duties	91	91	7.80
Temp Pay: Special Assignment	9	8	9.04
Temporary Pay: Acting Status	142	141	8.69
Upward Role Change	153	131	10.72
Voluntary Demotion	51	29	-10.70
Change of Duties Bonus	17	17	4.10
New Knowledge/Skills/Abilities	14	14	2.52
Project Bonus Pay Out	18	18	1.30
Recognition Award Leave Hours	2565		
Recognition Award Monetary	737	737	1.09
Recognition Award Non-Monetary	78	78	0.15
Referral Bonus Pay Out	11	11	0.71
Retention Additional Leave	1		
Retention Bonus	4	4	3.94
Sign-On Additional Leave	19		
Sign-On Bonus Pay-Out	59	59	2.34
Suggestion Award Monetary	1	1	0.24
Total Actions	12208	8756	3.47

For the third quarter, there were 7,476 base salary increases averaging 4.3%; 340 base salary decreases averaging -8.46%; and 939 bonus actions, averaging 1.18%.

Workforce Planning and the Periodical's Pay Action Summary data may vary within the same reporting period based on the timing of data runs, agency retraction requests, and the manual review and extraction of erroneous PMIS entries.

Alternate Work Schedules

[Policy 1.25, Hours of Work](#), defines an Alternate Work Schedule (AWS) as a schedule that is different from a standard 40 hour workweek. A standard workweek is defined as a five-day, 40 hour per week schedule in every seven calendar-day period.

Alternate Work Schedule	Schedules that differ from the standard 40-hour work-week schedule. Alternative work schedules may include, but are not limited to, four 10-hour days, rotational shifts, flexible hours, and job sharing.
Standard Workweek	The regular workweek for full-time positions, which consists of a five-day, 40-hour per week schedule for every seven calendar-day period.

The Hours of Work policy was last revised in 2004. However, this definition has been revised in recent guidance as reflected in the definition in the [HR At-A-Glance reports](#) glossary. Alternate Work Schedules are defined as those different from the standard Monday through Friday 8:15/8:30 AM - 5:00 PM schedule.

Work-Life Balance	Position Eligible for Alternate Work Schedule	Number of Classified Positions Eligible to Work other than 8:15 to 5:00 / Number of Classified Positions	HuRMan Workforce Planning Reports	Monthly
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This clarification will be included in the next revision of Policy 1.25.

Please ensure that the eligibility of positions for Alternate Work Schedules and the assignment of employees to Alternate Work Schedules are appropriately recorded in both the position and employee records in PMIS. This data ensures accurate reporting and compliance with legislative mandates and provides some measure of work-life balance activity.

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