

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

1991 OCT 23 PM 2:44

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: STATE COLLEGE SYSTEM BOARD OF DIRECTORS TITLE NUMBER: 131

RULE TYPE: PROCEDURAL; CITE AUTHORITY WV Code 18 B-1-6

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: ALIEN EMPLOYMENT CONTROL POLICY

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

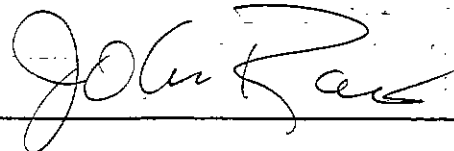
TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON Nov. 25, 1991 AT 5:00 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Jo Ann Raines
Public Information Officer/
Governmental Relations Coordinator
1018 Kanawha Blvd., E.
Suite 700
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

2.70

FISCAL NOTE FOR PROPOSED RULES

Rule Title: ALIEN EMPLOYMENT CONTROL POLICY

Type of Rule: Legislative Interpretive Procedural

Agency: STATE COLLEGE SYSTEM Address 1018 Kanawha Blvd., E.

BOARD OF DIRECTORS

Suite 700

Charleston, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	N/A	N/A	N/A	N/A	N/A
Current Expense	N/A	N/A	N/A	N/A	N/A
Repairs and Alterations	N/A	N/A	N/A	N/A	N/A
Equipment	N/A	N/A	N/A	N/A	N/A
Other	N/A	N/A	N/A	N/A	N/A

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

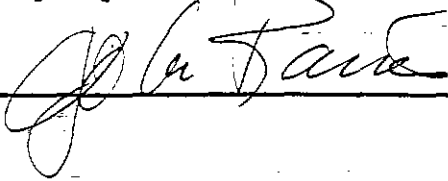
N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: September 27, 1991

Signature of Agency Head or Authorized Representative



**TITLE 131
STATE COLLEGE SYSTEM
BOARD OF DIRECTORS
POLICY BULLETIN NUMBER 12
SERIES 12**

Policy Bulletin Number 12, Alien Employment Control, prohibits the employment of illegal aliens and requires all successful applicants for employment to present proof of applicant's identity and authorization for employment. Revisions to the policy include the addition of disciplinary actions for employees who violate the provisions of this policy.

**TITLE 131
STATE COLLEGE SYSTEM
BOARD OF DIRECTORS
POLICY BULLETIN NUMBER 12
SERIES 12**

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**TITLE 131
PROCEDURAL RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 12
POLICY BULLETIN NO. 12**

TITLE: ALIEN EMPLOYMENT CONTROL POLICY

SECTION 1. GENERAL

- 1.1 Scope - The State College System Board of Directors prohibits the employment of illegal aliens and will require all successful applicants for employment to present proof of applicant's identity and authorization for employment.
- 1.2 Authority - West Virginia Code 18 B-1-6, Immigration and Reform Control Act of 1986, Public Law 99-603.
- 1.3 Filing Date - To be assigned
- 1.4 Effective Date - To be assigned
- 1.5 Repeal of Former Rule - Repeals and replaces Policy Bulletin No. 12, December 18, 1987.

SECTION 2. ALIEN EMPLOYMENT CONTROL PURPOSE

- 2.1 The purpose of this policy is to comply with the federal government's efforts to stem the flow of illegal aliens into the United States and to provide an opportunity for a large group of unauthorized aliens already here to obtain legal status.

SECTION 3. ALIEN EMPLOYMENT CONTROL POLICY

- 3.1 It is unlawful to ~~hire~~ employ any person knowing ~~that~~ such person is an illegal alien.

- 3.2 The ~~person's~~ identity and eligibility of the person to be employed must be verified.

SECTION 4. ALIEN EMPLOYMENT CONTROL PROCEDURES

- 4.1 All successful job applicants must fill out and sign a government form I-9, within three (~~3~~) business days of the date of ~~the hire~~ employment, providing biographical information and attesting that the worker is a citizen or an alien authorized to work in this country.
- 4.2 Successful applicants ~~may~~ must provide, and the employing institution ~~may~~ must request, verification of identity and eligibility for employment.
- 4.3 The verification records are to be made available for inspection by officers of the U.S. Immigration and Naturalization Service or the U.S. Department of Labor.

SECTION 5. PENALTIES FOR VIOLATION OF ALIEN EMPLOYMENT CONTROL POLICY

- 5.1 Violators of the ban on ~~hiring and recruiting~~ employing persons known to be illegal aliens are to be penalized on a graduated scale for the number of instances of noncompliance. In addition to being ordered to cease violations, a civil penalty will be assessed.
- 5.2 The falsification of a verification statement or the fraudulent misuse of an immigration document may result in fines, imprisonment or both.
- 5.3 In addition to the above, employees of institutions in the State College System who violate the provisions of this policy will be subject to disciplinary action up to and including discharge.