

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FILED

1992 JAN 31 AM 11:05

Form #5

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

STATE COLLEGE SYSTEM OF WEST VIRGINIA
AGENCY: BOARD OF DIRECTORS TITLE NUMBER: 131
CITE AUTHORITY: WV Code 18B-1-6

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: ALIEM EMPLOYMENT CONTROL POLICY

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 2, 1992

Joan R

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Alien Employment Control Policy

Type of Rule: Legislative Interpretive Procedural

State College System of
 Agency: West Virginia Board of Directors
 Address: 1018 Kan. Blvd., E.,
Suite 700. Charleston, WV 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personnel 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 Governments.

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: January 15, 1992

Signature of Agency Head or Authorized Representative

John R. ...

**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 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 - ~~Revises~~ and replaces Policy Bulletin No. 12, effective 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 employ any person knowing that such person is an illegal alien.

- 3.2 The 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 business days of the date of 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 must provide, and the employing institution 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 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.



KEN HECHLER
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Deputy Secretary of State

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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Marie Carter

AGENCY: Board of Directors

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 21, 1992

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 12 TITLE: 131 Board of Directors

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Marie Carter

TITLE OF PERSON SIGNING: Asst. to the Chancellor

DATE: 11/25/92

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

**TITLE 131
PROCEDURAL RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS**

**SERIES 12
ALIEN EMPLOYMENT CONTROL POLICY**

§131-12-1. General.

1.1. Scope. -- The State College System Board of Directors prohibits the employment of illegal aliens and will require all applicants for employment to present proof of applicant's identity and authorization for employment.

1.2. Authority. -- W. Va. Code §18B-1-6, Immigration and Reform Control Act of 1986, Public Law 99-603

1.3. Filing Date. -- January 31, 1992

1.4. Effective Date. -- March 2, 1992

1.5. Repeal of Former Rule. -- Repeals and replaces Board of Regents Title 128, Series 12, effective December 18, 1987.

§131-12-2. Purpose.

2.1. The purpose of this rule 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.

§131-12-3. Policy.

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

3.2. The identity and eligibility of the person to be employed must be verified.

§131-12-4. 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 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 must provide, and the employing institution 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.

§131-12-5. Penalties for Violation.

5.1. Violators of the ban on 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 rule will be subject to disciplinary action up to and including discharge.