



Labor and Employment *ALERT*

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That May Affect You Or Your Business

Lafayette Shreveport

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[Federal Government Delays the E-Verify Contractor Rule Again](#)

The federal government has again postponed the implementation of the rule that would require federal contractors to use E-Verify. The new implementation date is September 8, 2009.

This rule, originally developed by President Bush's administration, has been challenged in federal court by a group of businesses led by the U.S. Chamber of Commerce. In the case, pending in Maryland, the court had issued an order to postpone the implementation of the rule until August 16, 2009. In this case, the federal government asked for additional time to review the rule, and the court granted the additional time. See *U.S. of Am. v. Napolitano*, D. Md., No. 8:08-cv-03444-AW, motion granted 6/2/09).

The federal government explained the fourth postponement of the rule by saying that it was necessary because of an "an unrelated and unforeseen matter of national importance." The Obama administration is reviewing the rule and has reported that it expects to have this review completed soon.

When implemented, this rule will require federal government contractors to verify the work authorization of all new hires and existing personnel assigned to perform work on future federal contracts using E-Verify. Under the final rule, E-Verify will be required for all federal contractors, regardless of size, holding a contract with a period of performance longer than 120 days and a value above \$100,000. Subcontractors will be required to participate in E-Verify if they provide services or construction with a value of more than \$3,000.

Any questions about this issue can be directed to *Maria Fabre Manuel* at manuelm@onebane.com.

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About this news item? E-mail manuelm@onebane.com or call her at (337) 237-2660.

