



Labor and Employment *ALERT*

Current Law Developments and Legal Issues

That May Affect You Or Your Business

Lafayette Shreveport

November 17, 2008

New Rule Mandates Federal Contractors and Subcontractors to Use E-Verify System

The U.S. Citizenship and Immigration Services announced on November 13, 2008 that Federal contractors and subcontractors will be required to begin using the USCIS' E-Verify system starting January 15, 2009, to verify their employees' eligibility to legally work in the United States.

The new rule implements Executive Order 12989, as amended by President George W. Bush on June 6, 2008. This new rule requires federal contractors to agree, through language inserted into their federal contracts, to use E-Verify to confirm the employment eligibility of all persons hired during a contract term, and to confirm the employment eligibility of federal contractors' current employees who perform contract services for the federal government within the United States.

Federal contracts awarded and solicitations issued after January 15, 2009 will include a clause committing government contractors to use E-Verify. The same clause will also be required in subcontracts over \$3,000 for services or construction. Contracts exempt from this rule include those that are for less than \$100,000 and those that are for commercially available off-the-shelf items. Companies awarded a contract with the federal government will be required to enroll in E-Verify within 30 days of the contract award date. They will also need to begin using the E-Verify system to confirm that all of their new hires and their employees directly working on federal contracts are authorized to legally work in the United States.

E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) that allows employers to verify the employment eligibility of their employees, regardless of citizenship. Based on the information provided by the employee on his or her Form I-9, E-Verify checks this information electronically against records contained in DHS and Social Security Administration (SSA) databases.

Employer participating in E-Verify, are required to post the notice provided by DHS indicating your company's participation in the E-Verify program, as well as the anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the Department of Justice. The posting must take place in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system.

Important Links

Newsletter

Read full text of the Onebane newsletter on our web site.

The Onebane Firm

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Questions

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

Once you are enrolled, and able to log into the E-Verify online system, these notices can be found in the “On-line Resources” section.

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