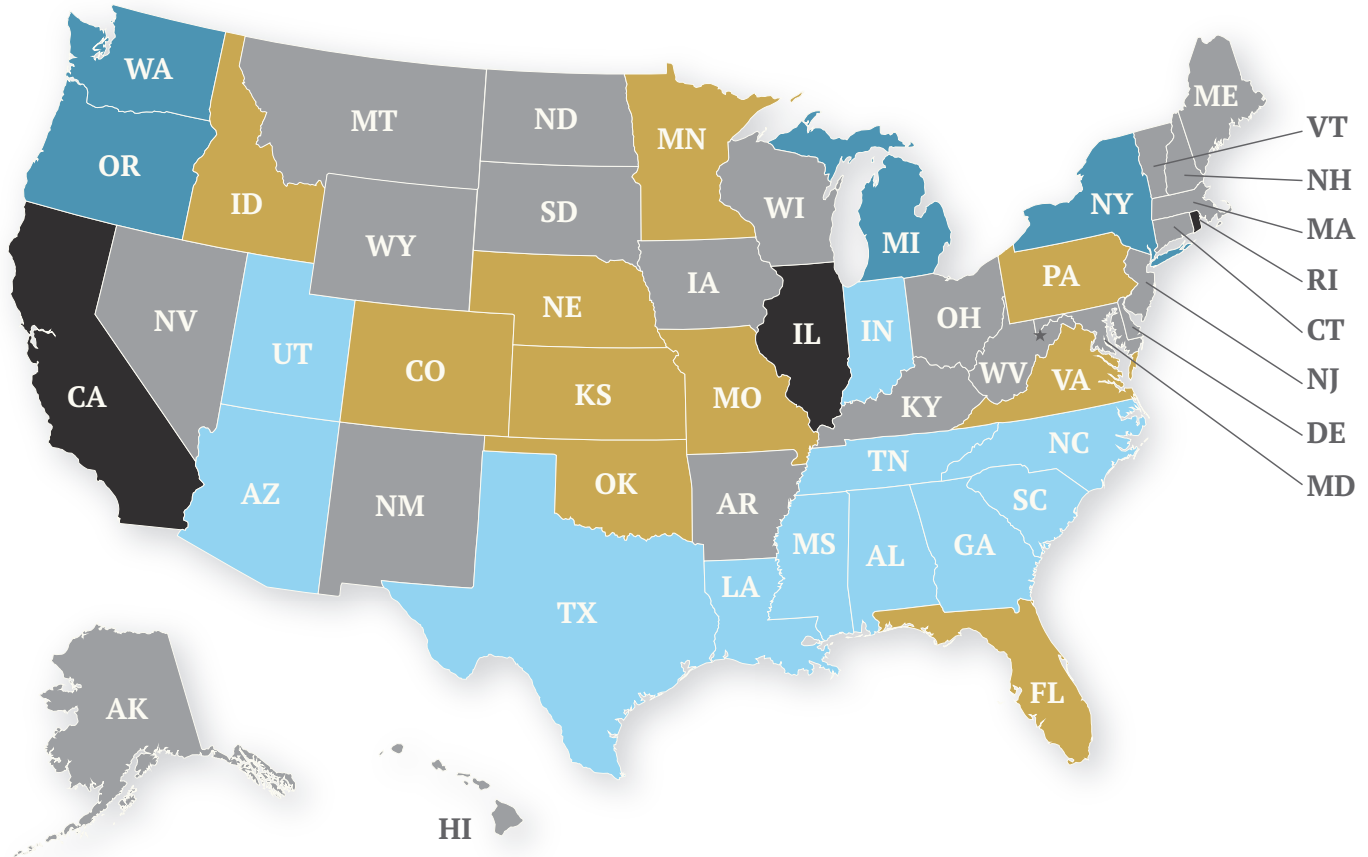


E-Verify Legislation: A State-by-State Perspective



- ALL OR MOST EMPLOYERS
- PUBLIC EMPLOYERS AND/OR CONTRACTORS
- EMPLOYERS THROUGH LOCAL OR MUNICIPAL REQUIREMENT ONLY
- REQUIREMENT RESCINDED OR EXPIRED
- NO STATE-WIDE E-VERIFY REQUIREMENT

The E-Verify Employment Eligibility Verification Program is an Internet-based system that allows employers to verify the employment authorization status of newly hired and, in the case of federal contractors, existing employees. Jointly administered by the U.S. Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA), E-Verify compares the data provided on an employee's Form I-9, Employment Eligibility Verification Form, to government records in order to help employers determine if a new hire is eligible to work in the United States. Although the use of E-Verify is not currently mandatory nationwide, numerous states and municipalities have passed legislation requiring its use for some or all employers. To help employers navigate the patchwork of E-Verify laws across the country, Greenberg Traurig has developed this map and corresponding chart.

State or Municipality	Effective Date for Private Employers	Effective Date if Public Employer and/or City	Who is Covered?
Alabama	April 1, 2012	January 1, 2012	All Alabama employers and state/public contractors.
Alabama <i>Albertville</i>	n/a	December 1, 2008	All contractors, subcontractors and suppliers for the City of Albertville with three or more employees who have City contracts valued in excess of \$100,000 in any 12-month period.
Alabama <i>Decatur</i>	June 1, 2009	June 1, 2009	All employers doing business in the City of Decatur. (Resolution also allows for "other acceptable verification.")
Alabama <i>Huntsville</i>	n/a	January 1, 2010	All contractors for the City of Huntsville with contracts valued at \$15,000 or higher. If a contractor uses one or more subcontractors in connection with the performance of a contract, the contractor shall include a subcontractor compliance requirement in all subcontracts valued at \$3,000.00 or more.
Arizona	January 1, 2008; as amended September 30, 2008	January 1, 2008; as amended September 30, 2008	All Arizona employers
California	n/a	n/a	AB 1236 - In October, 2011, Gov. Jerry Brown signed into law AB1236, which prohibits municipalities from enacting or maintaining mandatory E-Verify ordinances. The measure voided a number of ordinances already on the books.
Colorado	n/a	August 7, 2006; as amended May 13, 2008	State agency or political subdivision contractors for the state of Colorado. (Legislation permits a choice between E-Verify and a state verification program administered by the Department of Labor and Employment.)
Colorado <i>Denver</i>	n/a	October 1, 2010	Public Contractors with the City of Denver or those who have a contract or a purchase authorization with the City of Denver for the construction, alteration, improvement, repair, maintenance, or demolition of any public building or public work for or on behalf of Denver.
Florida	n/a	May 27, 2011	All Florida state agencies under the direction of the Governor; agencies not under the direction of the Governor are encouraged to use E-Verify and to include as a condition of all contracts for the provision of goods and services to the state or a subdivision in excess of nominal value, a requirement that contractors and subcontractors utilize E-Verify.
Florida <i>Bonita Springs</i>	n/a	June 1, 2009	All vendors or contractors for the City of Bonita Springs must use E-Verify for all employees hired during the contract term by the contractor and assigned by the contractor to perform work for Bonita Springs. Contracts worth less than \$5,000 and single-performance contracts performed in less than 30 days are exempt.

State or Municipality	Effective Date for Private Employers	Effective Date if Public Employer and/or City	Who is Covered?
Florida <i>Hernando County</i>	n/a	May 11, 2011	All contractors and subcontractors for Hernando County must use E-Verify for all new employees.
Georgia	Private employer phase-in: January 1, 2012: 500 or more employees; July 1, 2012: 100 or more employees; July 1, 2013: more than 10 but less than 100 employees. (Employers with 10 or fewer employees are exempt).	July 1, 2011	All public employers and contractors and subcontractors for Georgia. Also applies to contractors providing services of any kind, not including attorneys. Affidavits must be completed by contractors. Private employers with more than 10 employees.
Georgia <i>Cherokee County</i>	n/a	January 1, 2007	All contractors and subcontractors who enter into a contract for the physical performance of services with the state of Georgia during the last 12 months for employees working on a contract.
Idaho	n/a	July 1, 2009	All state agencies.
Illinois	n/a	n/a	HB 1774/HB 1743/SB 1133 - HB 1744 barred Illinois companies from enrolling in E-Verify pending the resolution of accuracy and timeliness issues. A court case invalidated the bar and led to the enactment of HB 1743, which allows companies to use E-Verify but creates privacy and antidiscrimination protections for workers when employers violate E-Verify procedures. Illinois also enacted SB 1133, which prohibits the state or localities from requiring employers to use E-Verify.
Indiana	2011	2011	SB 590 - Passed in 2011, SB 590 requires state and local government agencies and contractors to use E-Verify. The bill also creates a state tax credit incentive for private employers to use E-Verify.
Kansas	n/a	2011	Executive Order by the Office of the Secretary of State which has used E-Verify -- and has required all contractors with that office to use E-Verify -- since 2011. But the rest of Kansas state government has declined to follow
Louisiana	January 1, 2012	January 1, 2012	All Louisiana private contractors seeking a public contract to provide services to a state or local public entity (applies to contracts entered into on or after January 1, 2012). In addition, all private employers must either use E-Verify or retain copies of certain identity and work authorization documents.
Michigan <i>Ingham County</i>	n/a	February 1, 2013	Voluntary enrollment by the County for all new employees.
Michigan <i>Macomb County</i>	n/a	September 1, 2009	All County employers, contractors and vendors entering into contracts over \$20,000 a year with Macomb County.

State or Municipality	Effective Date for Private Employers	Effective Date if Public Employer and/or City	Who is Covered?
Michigan <i>Oakland County</i>	n/a	September 8, 2009	All contractors and vendors for Oakland County must use E-Verify for all new employees. Also applies to all employees for the County hired after September 8, 2009.
Minnesota	n/a	July 20, 2011	All state contractors, subcontractors and vendors for Minnesota. Applies to any state contract in excess of \$50,000 (contractors must provide certification of enrollment in E-Verify). Does not apply to contracts entered into by the State Board of Investment.
Mississippi	July 1, 2008: public employers, public contractors and subcontractors, and private employers with 250+ employees; July 1, 2009: private employers with 100-250 employees; July 1, 2010: private employers with 30-99 employees; July 1, 2011: all private employers.	July 1, 2008	All Mississippi employers.
Missouri	n/a	January 1, 2009	All public employers and any business with a state contract or grant in excess of \$5,000. Also applies to any business receiving a state-administered or subsidized tax credit, tax abatement, or loan from Missouri.
Missouri <i>O'Fallon</i>	n/a	September 8, 2011	All public employers and any business with a City contract or grant in excess of \$5,000. Also applies to any business receiving state-administered or subsidized tax credit, tax abatement or loan from the Missouri.
Missouri <i>Springfield</i>	February 7, 2012. *Unanimously overturned in December 2012 by Springfield's City Council after the outcome of a lawsuit challenging the ordinance's constitutionality. Local businesses in Springfield, Missouri are no longer required to use E-Verify. Law requiring E-Verify invalidated due to legal settlement.	February 7, 2012. *Unanimously overturned in December 2012 by Springfield's City Council after the outcome of a lawsuit challenging the ordinance's constitutionality. Local businesses in Springfield, Missouri are no longer required to use E-Verify. Law requiring E-Verify invalidated due to legal settlement.	Every Business entity that applies for a business license or permit to engage in any type of Work in the City shall sign an affidavit affirming that they have enrolled in the E-Verify Program. All new hires must be run through E-Verify as a condition of employment.
Nebraska	n/a	October 1, 2009	All public employers, contractors for public projects, and businesses qualifying for Nebraska tax incentive programs. Also applies to private employers receiving state economic incentives or doing contract work for Nebraska.

State or Municipality	Effective Date for Private Employers	Effective Date if Public Employer and/or City	Who is Covered?
Nebraska <i>Fremont</i>	March 5, 2012 - E-Verify Provisions of City Ordinance affirmed by U.S. District Court Judge. Previously suspended during litigation.	March 5, 2012 - E-Verify Provisions of City Ordinance affirmed by U.S. District Court Judge. Previously suspended during litigation.	All employers doing business in the City of Fremont (does not include independent contractors). All business entities performing within the City of Fremont must enroll by March 4, 2012.
New York <i>Suffern Village</i>	n/a	August 11, 2008	Any new village contractors must use E-Verify for new employees.
North Carolina	October 1, 2012: 500 or more employees; January 1, 2013: 100 or more employees but less than 500 employees; July 1, 2013: 25 or employees but less than 100 employees.	Applies to all state agencies, offices, and universities for employees hired as of January 1, 2007, except for employees of local education agencies hired as of March 1, 2007.	All public employers and private employers with 25 or more employees.
North Carolina	Please see above.	August 4, 2013	Contractors and subcontractors who enter into a contract with a North Carolina county, city, state, or board agency. Employees of private employers who are employed for less than 9 months are exempt.
North Carolina <i>Alamance County</i>	Please see above.	February 1, 2010	Contractors and subcontractors must use E-Verify for all new employees.
Oklahoma	Please see at right for provisions applicable to private employers with government contracts.	November 1, 2007 for public employers; July 1, 2008 for state contractors.	All public employers, state contractors and subcontractors, state and local government agencies, and private employers with government contracts.
Oregon <i>Columbia County</i>	February 2, 2009. *E-Verify Ballot Measure overturned by County judge in April 2009.*	February 2, 2009. *E-Verify Ballot Measure overturned by County judge in April 2009.*	All employers in Columbia County.
Pennsylvania	n/a	January 1, 2013	All public works state contractors and subcontractors involved in projects with an estimated total cost that is in excess of \$25,000.
Pennsylvania <i>Allegheny County</i>	n/a	July 14, 2011	All contractors working on contracts subsidized by Allegheny County.
South Carolina	January 1, 2012	January 1, 2012	All South Carolina employers.
Tennessee	January 1, 2017	January 1, 2017	HB 1378/SB 1965 - Passed in 2011, HB 1378 requires all public and private employers with more than 6 employees to either use E-Verify or check and retain acceptable work authorization documents. On April 21, 2016, the Governor signed into law SB 1965, which requires mandatory E-Verify use for all employers with 50 or more employees effective January 1, 2017.

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Texas	September 1, 2015	September 1, 2015	Executive Order/SB 374 - In Dec. 2014, Texas Governor Rick Perry issued RP-80, which requires E-Verify use by state agencies and contractors, at least with respect to those employees assigned to the contract. In 2015 Texas enacted SB 374, which requires state agencies and institutions of higher education to use E-Verify as of September 1, 2015. The law did not require state contractors to enroll but the Attorney General issued a subsequent finding that it does not negate the related requirement under Gov. Perry's executive order.
Utah	July 1, 2010	July 1, 2009	All public entities/contractors for Utah and private employers with 15 or more employees. Private employers with employees working pursuant to H-2A and H-2B visas are exempt.
Utah <i>Salt Lake County</i>	March 7, 2012	March 7, 2012	Applicants for business licenses in unincorporated Salt Lake County must provide written assurance that they have used E-Verify.
Utah <i>St. George</i>	n/a	December 1, 2007	All public employers and contractors and subcontractors for the City of St. George. The City has used E-Verify for all City employees since January 2008.
Utah <i>Washington County</i>	December 17, 2011	December 17, 2011	All businesses in the unincorporated areas of Washington County.
Virginia	n/a	December 1, 2013 (if certain contracting conditions apply)	State contractors with more than 50 employees working in the Commonwealth of Virginia for the 12 months previous to entering into a contract with any state agency in excess of \$50,000. State agencies must use E-Verify for all new employees performing work in the state.
Virginia <i>Prince William County</i>	n/a	March 3, 2009	All public employers and contractors for Prince William County.
Washington <i>Clark County</i>	n/a	September 24, 2009	All contractors for Clark County with contracts equal to or more than \$1 million.
Washington <i>Cowlitz County</i>	n/a	October 25, 2011	Current contractors and any employer competing for a County contract.
Washington <i>Hoquiam</i>	n/a	January 28, 2013	All City public works contracts must use E-Verify for all new employees.
Washington <i>Kennewick</i>	n/a	January 17, 2012	All contractors and vendors for general service contracts and public works contracts with the City of Kennewick.
Washington <i>Lakewood</i>	n/a	July 1, 2009	All public employers and contractors for the City of Lakewood for the term of the contract.

State or Municipality	Effective Date for Private Employers	Effective Date if Public Employer and/or City	Who is Covered?
Washington <i>Lewis County</i>	n/a	June 22, 2010	All contractors and subcontractors for Lewis County with contracts worth over \$100,000.
Washington <i>Pierce County</i>	n/a	March 1, 2010	All contractors and business entities contracting with Pierce County for road or other County public works contracts worth more than \$100,000 or any other contract in excess of \$25,000.
Washington <i>Whatcom County</i>	n/a	July 1, 2010	All public employees and contractors doing business with Whatcom County if the contract value exceeds \$100,000, is longer than 120 days, and is not subject to certain enumerated exceptions.
Washington <i>County of Yakima</i>	n/a	June 8, 2011. *Overturned by Yakima County commissioners in favor of existing Social Security-based verification system.	All City employees, as well as City contractors and subcontractors, must use E-Verify for all new employees.