

April 2011

## I-9 Compliance Bulletin



## Georgia and Alabama bills would require use of E-Verify

Georgia and Alabama appear set to join Arizona, Utah, Mississippi, and South Carolina by imposing broad requirements on employers to use E-Verify, the federal system for checking the work eligibility of new hires. These states are part of a larger trend: So far this year, over 170 bills that include E-Verify provisions have been introduced in 38 states.

### Georgia HB 87

The Georgia Legislature passed a bill that would **require employers with 500 or more employees to use E-Verify starting Jan. 1, 2012**. Smaller employers would have to meet the requirement at later dates.

The Georgia House sent HB 87 to Governor Nathan Deal's desk on April 20. Deal has said he will sign it, though he expects the law to be challenged in court.

The Georgia bill would require employers to attest to using E-Verify to verify the work eligibility of new hires each time the employer applied for or renewed its business license. Employers with 100 or more employees must comply starting July 1 2012, and employers with 11 or more employees starting July 1 2013. Employers with 10 or fewer employees are exempt. The requirement only applies to employees working 35 hours or more per week.

Georgia's bill is modeled on similar legislation in Arizona and includes requirements for police to check immigration status in certain cases. Courts have stayed enforcement of parts of Arizona's law requiring police to check immigration status. **But requirements in Arizona for employers to use E-Verify have so far been upheld.** A U.S. Supreme Court ruling is pending on a legal challenge to Arizona's law requiring employers to use E-Verify. That case is Chamber of Commerce v. Whiting (09-115). Several observers report that the court is likely to be deadlocked at four-four, with one justice having recused herself. That would leave in force the lower court's ruling, upholding the law.

### Alabama HB 56

Alabama HB 56 was passed by the House and is currently in the Alabama Senate. Given the successful passage of the Georgia's HB 87, it is likely that Alabama will rush to get a similar bill in place.

**HB 56 would require that all Alabama employers use E-Verify starting Jan. 1, 2012.** The bill also provides immunity from liability for employers using E-Verify, including liability from any action by an employee or prospective employee. Penalties include suspension of business licenses and revocation for repeat offenders. As the Alabama bill has yet to pass the Senate, changes may be forthcoming. We will closely monitor the situation.

## Bottom line

Because of the widespread push by states to require the use of E-Verify, compliance is critical. Employers also face increased employer-focused enforcement actions for improper I-9 procedures. The TALX I-9 solution provides tools that automate the I-9 process for greater accuracy while helping you track compliance and providing you with functionality to make responding to I-9 audits faster and more efficient. To learn more about how we can help please contact Melinda Hanson at (314) 214-7143 or [mhanson@talx.com](mailto:mhanson@talx.com).

For a copy of the Georgia bill, please send email to [mhanson@talx.com](mailto:mhanson@talx.com) with "GA E-Verify bill" in the subject line. For a copy of the Alabama bill, please send email to [mhanson@talx.com](mailto:mhanson@talx.com) with "AL E-Verify bill" in the subject line. Learn more at our blog at <http://blog.talx.com>.