



# LEGAL ALERT

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## All Federal Contractors Required to Electronically Verify Employees' Employment Eligibility

### White House Crack Down

In an effort to crack down on employers who hire illegal workers, the White House announced that, on June 6, 2008, President George Bush signed an amendment to Executive Order 12989 requiring companies that contract with the federal government to "electronically verify" the employment eligibility of their workers.

Specifically, Section 5 of Executive Order 12989 requires contractors to "use an electronic employment eligibility verification system designated by the Secretary of Homeland Security, Michael Chertoff, to verify the employment eligibility of: (i) all persons hired during the contract term by the contractor to perform employment duties within the United States; and (ii) all persons assigned by the contractor to perform work within the United States on the Federal contract." In other words, those who do business with the federal government in the future will have to use E-Verify or another federal electronic verification system.

### E-Verify

One of the most widely used electronic verification systems is E-Verify. However, E-Verify only allows companies to verify the employment eligibility of those workers hired after the company joined the program. Whether the Secretary of Homeland



Security, or his successor, will establish an alternate “electronic employment eligibility verification system” has not been discussed.

### Contractors must register

Employers who want to contract with the federal government need to be aware of Executive Order 12989 and, if they have not already done so, make arrangements to register with E-Verify or another federal electronic

verification program. The Executive Order specifically states that “contracting agencies may not enter into contracts with employers that do not use the best available means to confirm the work authorization of their workforce.”

**If you have any questions, please contact Rebecca Winterscheidt at 602.382.6343 or Manuel H. Cairo at 602.382.6534.**

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