

TALX Compliance Bulletin

E-Verify rule for federal contractors delayed to Sep. 8

The effective date of the rule requiring most federal contractors to use E-Verify has been pushed back again. The rule is now set to take effect Sep. 8.

According to a statement sent to its members by the U.S. Chamber of Commerce, the delay was agreed to by parties to its lawsuit to block the regulations which would require most federal contractors and subcontractors to use E-Verify, the federal program for online verification of work eligibility.

This is the second time that the litigants have agreed to an extension. In both cases, the extension was agreed to in order to allow the Obama administration more time to review the rule.

The lawsuit, Chamber of Commerce of the United States of America, et al. v. Michael Chertoff, et al., Civil Action No. AW-08-3444 (D. Md.), was filed in 2008.

The rule, which until the latest extension had been scheduled to be applied on June 30, requires the use of E-Verify to confirm work eligibility for existing employees as well as new hires, and would impose a standard of vicarious liability for subcontractors.

Normally, employers who enroll in E-Verify are required to use it to verify work eligibility only for new hires. The chamber has objected to the requirement for federal contractors to use it for existing employees as well as new hires. This delay leaves open the option of amending the regulations so that federal contractors would, like other E-Verify users, apply it only to new hires.

E-Verify, formerly known as the Basic Pilot, is voluntary at the federal level, although numerous states have passed requirements for employers to use E-Verify.

According to the Chamber's statement, the official notice of this delay will be published in the Federal Register early this week.

I-9 compliance has become more urgent as E-Verify requirements multiply at the state and federal level. For more information about how the TALX I-9 solution can aid with compliance please send e-mail to moreinfo@talx.com with "I-9 compliance" in the subject line.

If any of your team members wish to be added to the recipient list for TALX compliance updates, send an e-mail to compliance.bulletin@talx.com with "Subscribe to compliance updates" in the subject line.

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