

July 2011

## I-9 Compliance Bulletin



## South Carolina to require E-Verify, removing driver's license option

South Carolina has passed a law requiring all employers in the state to use E-Verify.

Previously the South Carolina Illegal Immigration Reform Act had permitted employers to confirm a new hire's work authorization with a driver's license or state ID card. But Governor Nikki Haley signed into law amendments to the act which require all employers to begin using the federal E-Verify system by Jan. 1, 2012.

For a first violation, including failure to use E-Verify, the state may suspend an employer's business license for 10 to 30 days. Penalties increase for subsequent violations, up to and including revocation of the employer's business license.

## North Carolina to require all employers to use E-Verify

North Carolina will require employers with 25 or more employees to use E-Verify to check the work eligibility of all new hires.

The new law's requirements will be phased in beginning with local government entities on Oct. 1, 2011. The requirements take effect for private employers with 500 or more employees on Oct. 1, 2012, and for smaller employers at later dates.

For a first offense, the employer is required to submit an affidavit within three days stating that it has requested verification via E-Verify. Failure to file the affidavit within three days may result in a fine of \$10,000. A second violation results in an additional fine of \$1,000. A third violation results in a fine of \$2,000 for each case of failure to use E-Verify.

## Louisiana provides safe harbor for use of E-Verify

Louisiana now provides a safe harbor for employers who use E-Verify. Employers using E-Verify are protected from penalties for violating the state's law against hiring unauthorized workers.

Louisiana House Bill 646 was signed into law July 1. The bill amended the state's existing law prohibiting all employers in the state from hiring employees who don't have authorization to work. The amendment said no employer can be fined for a violation of the law if it could show that it had either used E-Verify or verified the employee's work authorization by checking the employee's birth certificate or any of four other documents specified in the bill.

The amendment also increased fines for violations and added a provision to suspend an employer's licenses for up to six months for a third violation.

## Bottom line

**The U.S. Supreme Court recently affirmed Arizona's law requiring use of E-Verify, and legislative activity appears to be picking up at the state level.** More states are expected to pass laws with E-Verify requirements in coming months – more than 190 bills have been proposed this year. Employers should prepare to comply with E-Verify requirements. To learn more about how the TALX I-9 solution can integrate with E-Verify with reminders and compliance tools, please send contact Melinda Hanson at 314-214-7143 or [mhanson@talx.com](mailto:mhanson@talx.com).

To receive a copy of any of the state laws, send email to [mhanson@talx.com](mailto:mhanson@talx.com) with "E-Verify law" in the subject line and indicate which state law you would like to receive.