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Coughlin Duffy LLP represents corporate clients, from small family-run businesses to Fortune 500 companies, in all facets of employment law. We regularly appear and represent our clients throughout the country in state and federal trial and appellate courts, in administrative proceedings before federal and state agencies, and in arbitrations and mediations. We also provide day-to-day counseling, advice, training, and other assistance to our clients on all aspects of the employment relationship, from wage and hour, contract, and non-compete issues to family leave, disability, discrimination and harassment matters.

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The Employment Law Lowdown

June 18, 2008

E- ALERT

Exec. Order 12989 Now Requires Use of E-Verify

On June 9, 2008, President Bush signed an amendment to Executive Order 12989 dealing with federal contractors. Executive Order 12989 now requires that federal departments and agencies only enter into contracts with contractors who agree to use the electronic employment eligibility verification system (E-Verify) designated by the Department of Homeland Security (DHS). E-Verify, a free internet based electronic employment eligibility system, must be used to determine the employment eligibility for all employees hired by contractors who are entering into a new contract with a federal department or agency as well as any contractor with an existing contract that is adding new employees onto the contract. Essentially, employers must register with E-Verify and enter the names and social security numbers of their employees in order to verify their eligibility to work.

At this time there are no regulations that state whether this Order also applies to subcontractors. Additionally, there are no regulations that speak to the consequences of violating this Order. Secretary of Homeland Security, Michael Chertoff, stated that he is hopeful that the new system will be implemented by the end of the calendar year. As such, we encourage all employers to determine whether they have any current or pending federal contracts that will require compliance with this Order.

If this amendment to Executive Order 12989 is viewed as successful in reducing immigration/unauthorized worker issues, lobbying or other efforts may begin to require all employers to register with E-Verify to determine if employees are eligible to work in the United States. Therefore, we encourage all employers to review all I-9 forms and supporting documents to ensure that they are in compliance with the governing laws.

For more information about this new Amendment, contact Leslie A. Lajewski or Steven J. Luckner.

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