

**E-Verify Program**  
**Background, Implementation, and**  
**Current Status**

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# E-Verify Milestones

- **Executive Order 13465 amended on June 6, 2008, requiring the use of E-Verify for federal contractors**
- **July 23, 2008: 1<sup>st</sup> meeting of the UCOP E-Verify Workgroup, including location representation**
- **NACUBO comments August 11, 2008 on mandate**
- **Federal rule issued: November 14, 2008 to implement Executive Order, to be in effect January 15, 2009**
- **U.S. Chamber of Commerce files lawsuit on December 23, 2008**
- **Federal rule delayed until February 20, 2009**
- **E-Verify Guidelines developed and issued by the UCOP Workgroup on January 15, 2009**
- **Federal rule 2<sup>nd</sup> delay by Obama Administration until May 21, 2009**
- **Federal rule 3<sup>rd</sup> delay until June 30, 2009**
- **Federal rule 4<sup>th</sup> delay until September 8, 2009**

# What is E-Verify?

- **E-Verify is an Internet-based system operated by the Department of Homeland Security (DHS) under the U.S. Citizenship and Immigration Services (USCIS) to verify employment eligibility based on information provided by an employee's Form I-9**
- **Information is electronically verified against records contained in DHS and the Social Security Administration (SSA) databases**

# E-Verify Requirements

- **Under the final rule - FAR 1.108(d), UC, along with other Institutions of Higher Education, is required to enroll in E-Verify once awarded a federal contract or subcontract that requires participation in E-Verify as the term of the contract**
- **When UC is awarded a federal contract that contains the FAR E-Verify clause, UC, as the contractor and any covered subcontractors on the project, must enroll within 30 calendar days of the contract/subcontract award date**
- **UC must also post the Right to Work poster and the E-Verify Notice**

# Which Federal Contracts Apply?

- All federal contracts containing the FAR E-Verify clause
- The federal contract must also have a value above \$100,000; a performance period longer than 120 days; and the performance must be within the United States
- Indefinite-delivery/indefinite-quantity (IDIQ) contracts that have been modified after the September 8, 2009 effective rule date on a bilateral basis, in accordance with FAR 1.108(d)(3), to include the clause for future orders
- For IDIQ contracts, the remaining period of performance must extend 6 months after the final rule effective date, and the amount of work expected under the remaining performance period is “substantial”

# Which Federal Subcontracts Apply?

- **A subcontract based on a prime contract with the E-Verify clause which is for services or construction and has a value above \$3000**
- **Exception: Grants are not subject to the rule; only qualified federal contracts and subcontracts, as described above, are subject to the E-Verify requirement**

# E-Verify Implementation

- **Once awarded a covered contract/subcontract, E-Verify enrollment must occur within 30 days of the award/amendment of the contract. There is then a 90 day phase-in period to initiate E-Verify on each new qualified hire assigned to the federal contract/subcontract**
- **For existing employees assigned to a federal contract/subcontract, the location must initiate E-Verify by the end of the 90 day period or within 30 days of being assigned to the qualifying federal contract/subcontract, whichever is later**
- **After the 90 day phase-in period, any employee assigned to the contract/subcontract must be verified within 3 business days**

# Implementation (continued)

- **Implementation is initiated by the location**
- **Location identifies the E-Verify Project Team and assigns Program Administrators and General Users**
- **Log on to the “Employer Eligibility Verification” DHS website for instructions and registration**
- **Sign Memorandum of Understanding (MOU) from website**
- **General Users must successfully complete a free, online tutorial on the website**
- **Download poster and notice from the website**



# Who Needs to be E-Verified?

- A UC employee hired after November 6, 1986, who is directly performing work in the United States under a federal contract/subcontract that includes a clause committing the contractor to use E-Verify
- Exempt from the E-Verify process:
  - All other new UC hires and existing UC employees not assigned to a qualified federal contract/subcontract
  - Newly hired and existing UC employees who normally perform support work on the federal contract/subcontract, such as indirect or overhead functions, and who do not perform any substantial duties under the federal contract/subcontract
  - Employees with a current HSPD-12 credential, or have an active confidential, secret, or top-secret security clearance

# E-Verify Flow Chart

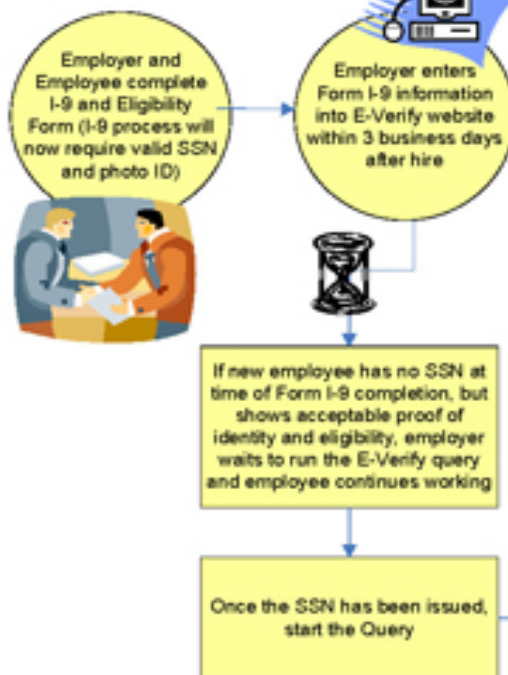
## Timing of E-Verify Enrollment

A UC location that has been awarded a covered federal contract or subcontract that contains the E-Verify clause enrolls in E-Verify within 30 days of the award/amendment of the contract. There is then a 90 day phase-in period in which the University has to initiate E-Verify on each new qualified hire assigned to the federal contract/subcontract. By the end of the 90 day period or within 30 days of being assigned to the qualifying federal contract/subcontract, whichever is later, the E-Verify process must be initiated on each existing qualified employee assigned to the contract/subcontract.

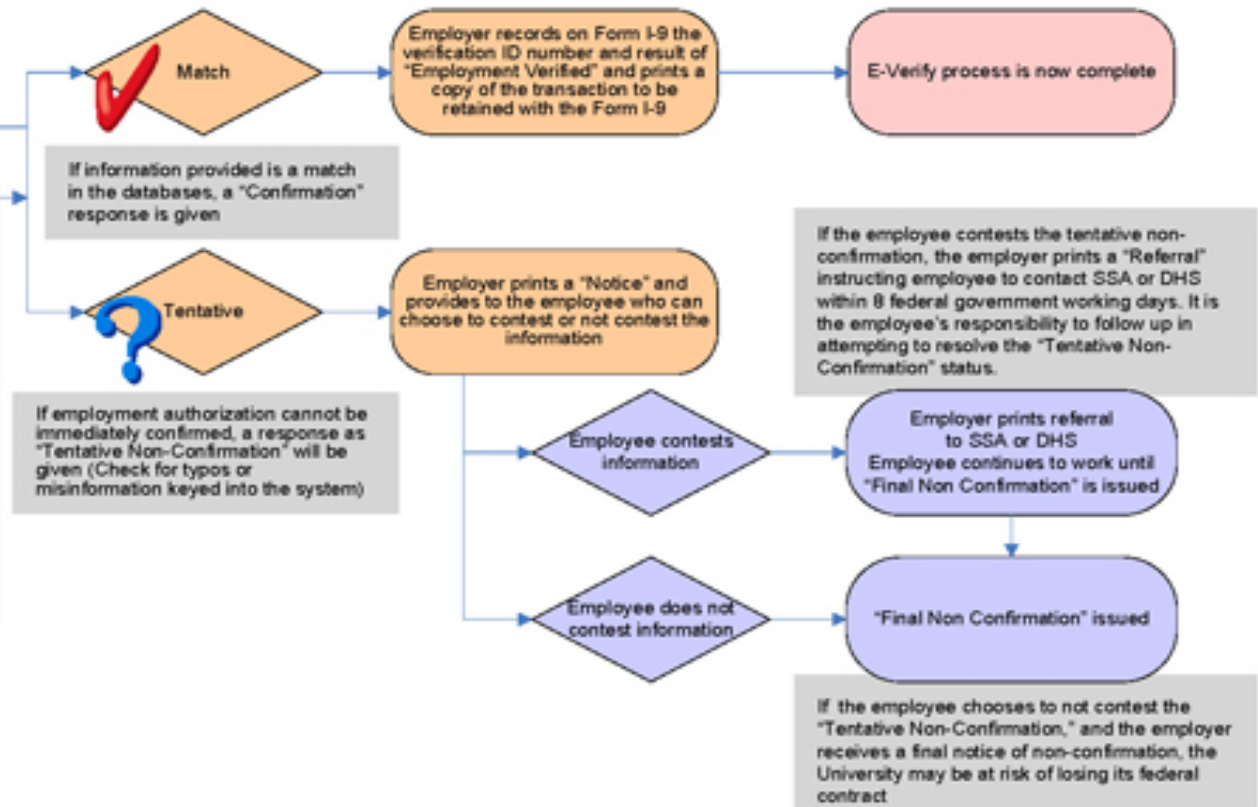
### Step 1: The E-Verify Implementation



### Step 2: The E-Verify Process



### Step 3: Query Responses



# What You Must Do

- **The E-Verify process must be done in a nondiscriminatory manner and, in the case of new hires, only after the individual has accepted an offer of employment and completed the Form I-9**
- **Employers cannot refuse to employ or terminate the employment of individuals based on their national origin or citizenship status. Examples of inadvertent discrimination are improperly rejecting documents, requesting additional documents beyond those required, and inconsistency in I-9 and E-Verify compliance**
- **Adhere to University policies and practices and the UC E-Verify Guidelines**

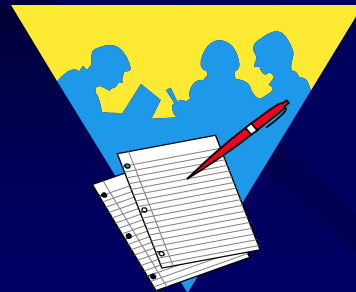
# E-Verify Current Status

- **E-Verify implementation extended to September 8, 2009**
- **U.S Chamber of Commerce lawsuit challenging the rule is pending in the U.S. District Court of Maryland**
- **Comprehensive Immigration Reform efforts this year:**
  - **Revision of Form I-9**
  - **New Employee Verification Act (NEVA, H.R. 2028 – in Subcommittee, last action was on 5/26/09)**



# E-Verify Resources

- USCIS Website:  
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=75bce2e261405110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD>
- USCIS FAQs:  
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=cb2a535e0869d110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD>
- UC E-Verify Guidelines (including FAQs)



# Questions?

