White Paper ▪ May 2024

# E-Verify: Voluntary or Required?

## A survey of state and federal laws requiring the use of E-Verify

HIRE RIGHT®

# Introduction: May 2024

As part of an ongoing effort to assist our customers in monitoring legislation, HireRight is pleased to present this summary of federal and state laws that speak to when an employer is required to use E-Verify as part of their employment eligibility verification process in the United States. This whitepaper is intended to cover only laws at the state or federal level that specifically require the use of E-Verify by public and private employers. Note there may be county or local legislation requiring the use of E-Verify that is not covered in this whitepaper.

While this summary is designed to provide an overview of state and federal laws that may require an employer to use E-Verify, there may be other laws, regulations, or non-legislative factors that could lead to an employer being required to use E-Verify. This whitepaper is not designed to cover all of these different factors or scenarios and does not cover laws applicable only to specific types of businesses. Employers are encouraged to consult with their legal counsel when designing and reviewing their employment eligibility process to ensure they meet all of their compliance obligations.

This summary is designed to provide a quick outline of laws in jurisdictions that have enacted such legislation at the state or federal level as of the date of this publication. This publication does not provide a summary of state consumer or credit reporting laws of more general applicability, nor is it intended to be a complete summary of any and all laws in all 50 states and local jurisdictions. HireRight assumes no obligation to notify customers of proposed or enacted updates to this legislation.




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# What is E-Verify?

E-Verify is an electronic, internet-based system administered by the Social Security Administration (SSA) and United States Citizenship and Immigration Services (USCIS). The system is designed to support employers' employment eligibility verification processes by comparing information from an employee's completed Form I-9 against records available to the Department of Homeland Security (DHS) and SSA.

Originally authorized in 1996 by the Illegal Immigration Reform and Immigrant Responsibility Act, E-Verify was initially launched in six states in 1997 as the Basic Pilot Program. Renamed E-Verify in 2007, the program has been enhanced over the years to include many of the features it offers today, such as photo matching. Now, closing in on 30 years after its original creation, E-Verify has over one million enrolled employers and is considered one of the federal government's highest rated services for user satisfaction[1]. Employers not already enrolled in E-Verify can review the enrollment process and other important E-Verify facts on the official E-Verify website here.

While E-Verify is used by over one million employers nationwide, it is important to understand that it is not a replacement for the Form I-9 process. Completion of Form I-9 is a mandatory step in the employment eligibility verification process in the U.S., regardless of whether or not you are one of the one million plus employers using E-Verify. E-Verify is intended to be a supplemental step in the employment eligibility verification process, a step that employers may (or in some cases must) take after the completion of an employee's Form I-9.

It is also important to understand that not all employers are required to use E-Verify. For many, it is entirely voluntary. In this whitepaper, we will break down some of the laws that may require an employer to use E-Verify, depending on things like where the employer operates, whether they are a public or private employer, and whether they hold public contracts or receive state-funded incentives. We hope that you will find this summary to be a helpful tool that you can reference when working with your legal counsel to determine whether E-Verify is voluntary or required for your organization under state and federal law.



[1] https://www.e-verify.gov/about-e-verify/what-is-e-verify


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# State Laws

In addition to the federal government requirements, the following jurisdictions are included within this summary. Click the link on the name of the jurisdiction to be taken directly to the summary for that jurisdiction.

A quick reference table is also available by clicking here.

### STATE JURISDICTIONS


**Alabama**
**Arizona**
**Florida**
**Georgia**
**Idaho**
**Indiana**
**Louisiana**
**Michigan**
**Minnesota**
**Mississippi**
**Missouri**
**Nebraska**
**North Carolina**
**Oklahoma**
**Pennsylvania**
**South Carolina**
**Tennessee**
**Texas**
**Utah**
**Virginia**
**West Virginia**



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# Jurisdiction

**This summary will provide the following information for each jurisdiction, to the extent applicable:**

| | |
|---|---|
| **Law** | The statutory reference to the legislation. |
| **Effective Date** | The effective date of the requirement imposed by the law. |
| **Scope** | What employers or contracts are covered by the law. |
| **Covered Employees** | What employees are covered by the law. |
| **Requirement** | The E-Verify-related requirement imposed by the law. |


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# Quick Reference Guide

The following Quick Reference Table is provided to generally identify whether there may be applicable E-Verify requirements for each category of employer in each listed jurisdiction. **This Quick Reference Table is not comprehensive. It does not identify all possible types of requirements that may be applicable in a given jurisdiction, nor does it provide details on the specific scenarios where the requirements may apply.** For example, where a jurisdiction requires the use of E-Verify by employers with a certain number of employees, this table would not list that number of employees. Rather, it would just say "yes," indicating there may be a requirement for private employers. Please refer to the jurisdiction's summary for additional information on the requirement and when it applies. This table does not include jurisdictions in which no relevant laws were identified.

**CLICK THE JURISDICTION TO BE TAKEN DIRECTLY TO THAT SUMMARY.**

| | E-Verify Required Private Employers | E-Verify Required Public Employers | E-Verify Required Public Contracts or Incentives |
|---|---|---|---|
| **Federal** | No | No | Yes – Federal contracts with E-Verify FAR Clause |
| **Alabama** | Yes | Yes | Yes |
| **Arizona** | Yes | Yes | Yes – Government-funded economic incentives |
| **Florida** | Yes | Yes | Yes |
| **Georgia** | Yes | Yes | Yes |
| **Idaho** | No | Yes | Yes |
| **Indiana** | No | Yes | Yes |
| **Louisiana** | Yes – Alternatives available | Yes – Alternatives available | Yes |


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| | | | |
|---|---|---|---|
| **Michigan** | No | No | Yes – Certain Department of Transportation contracts |
| **Minnesota** | No | No | Yes - Contracts over $50,000 |
| **Mississippi** | Yes | Yes | Yes |
| **Missouri** | No | Yes | Yes |
| **Nebraska** | No | Yes | Yes |
| **North Carolina** | Yes | Yes | Yes |
| **Oklahoma** | No | Yes | Yes |
| **Pennsylvania** | No | No | Yes – Public works contracts |
| **South Carolina** | Yes | Yes | Yes |
| **Tennessee** | Yes | Yes – Alternatives available | No |
| **Texas** | No | Yes | Yes |
| **Utah** | Yes | Yes | Yes |
| **Virginia** | No | Yes | Yes - Contracts over $50,000 |
| **West Virginia** | No | No | Yes – Service providers at Capitol Complex |


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# Federal

### Private Employers

**Law:** HireRight has identified no federal law requiring the use of E-Verify by private employers generally.

### Public Employers

**Law:** HireRight has identified no federal law requiring the use of E-Verify by public employers generally.

### Federal Contracts or Incentive Programs

**Law:** 48 C.F.R. 22.18

**Effective Date:** September 8, 2009

**Scope:** Federal contracts containing the Federal Acquisition Regulation (FAR) E-Verify clause; certain subcontractors for certain Federal prime contractors.

**Covered Employees:** Employees working on covered federal contracts not eligible for an exception or exemption.

**Requirement:** Covered federal contractors must enroll in and use E-Verify to verify the employment eligibility of employees. For more details, including information on exceptions and exemptions and frequently asked questions, please review the E-Verify page for federal contractors here: https://www.e-verify.gov/employers/federal-contractors




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# Alabama

### Private Employers

**Law:** Alabama Code § 31-13-15

**Effective Date:** April 1, 2012

**Scope:** All employers, including anyone employing any individual for hire in Alabama, but excluding the occupant of a household contracting with another person to perform casual domestic labor within the household.

**Covered Employees:** All employees, excluding casual domestic labor performed within a household.

**Requirement:** Covered employers must enroll in E-Verify and verify the employment eligibility of employees through E-Verify.

### Public Employers

**Law:** Alabama Code § 31-13-15

**Effective Date:** April 1, 2012

**Scope:** All public employers.

**Covered Employees:** All employees.

**Requirement:** Covered employers must enroll in E-Verify and verify the employment eligibility of employees through E-Verify.

### State Contracts or Incentive Programs

**Law:** Alabama Code § 31-13-9

**Effective Date:** April 1, 2012

**Scope:** Any contract, grant, or incentive by the state, a political subdivision, or a state-funded entity to any business entity or employer that employs one or more employees within the state; any subcontractor on a project paid for by a covered contract, grant, or incentive.

**Covered Employees:** All employees.

**Requirement:** As a condition for the award of the contract, grant, or incentive, the business entity or employer must provide documentation establishing that they are enrolled in E-Verify. The covered business entity or employer and their subcontractors must enroll in and use E-Verify to verify the employment eligibility of all covered employees during the performance of the contract.


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# Arizona

### Private Employers

**Law:** Arizona Rev. Stat. § 23-214

**Effective Date:** December 31, 2007

**Scope:** All individuals or entities doing business in Arizona who have a license issued by an Arizona agency and employ one or more employees in Arizona.

**Covered Employees:** All employees working for pay in Arizona.

**Requirement:** Employers must verify employees' employment eligibility through E-Verify and must keep a record of the verification for as long as the employee is employed or at least three years, whichever is longer.

### Public Employers

**Law:** Arizona Rev. Stat. § 23-214

**Effective Date:** December 31, 2007

**Scope:** All individuals or entities doing business in Arizona who have a license issued by an Arizona agency and employ one or more employees in Arizona, including the state and any political subdivisions of the state.

**Covered Employees:** All employees working for pay in Arizona.

**Requirement:** Employers must verify employees' employment eligibility through E-Verify and must keep a record of the verification for as long as the employee is employed or at least three years, whichever is longer.

### State Contracts or Incentive Programs

**Law:** Arizona Rev. Stat. § 23-214

**Effective Date:** December 31, 2007

**Scope:** Employers receiving an economic development incentive from a government entity awarded after September 30, 2008.

**Covered Employees:** All employees working for pay in Arizona.

**Requirement:** Employers must enroll and participate in E-Verify. Before receiving the economic development incentive, the employer must provide proof of their registration and participation.


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# Florida

### Private Employers

**Law:** Florida Stat. § 448.095

**Effective Date:** July 1, 2023

**Scope:** All private employers with 25 or more employees.

**Covered Employees:** All permanent employees working for pay, excluding individuals hired for casual labor entirely within a private residence.

**Requirement:** Employers must use E-Verify to verify employees' employment eligibility and must retain a copy of the documentation provided and any official verification generated for at least 3 years.

### Public Employers

**Law:** Florida Stat. § 448.095

**Effective Date:** January 1, 2021

**Scope:** Any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, state, county, city, town, village, municipality, or any other separate unit of government created or established pursuant to law, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

**Covered Employees:** All permanent employees working for pay.

**Requirement:** Public agencies must use E-Verify to verify employees' employment eligibility.

### State Contracts

**Law:** Florida Stat. § 448.095

**Effective Date:** January 1, 2021

**Scope:** Contractors and subcontractors of public agencies.

**Covered Employees:** All employees.

**Requirement:** All contractors and subcontractors for any public agency must register with and use E-Verify to verify employees' work authorization. Public agencies and their contractors and subcontractors may not enter into contracts unless each party to the contract registers with and uses the E-Verify system.


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### Incentive Programs

**Law:** Florida Stat. § 288.061(6)

**Effective Date:** July 1, 2020

**Scope:** Businesses applying for economic development incentives.

**Covered Employees:** All employees.

**Requirement:** Economic development incentive applications cannot be approved unless they include proof that the business entity is enrolled in and uses E-Verify to verify employees' employment eligibility.




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# Georgia

### Private Employers

**Law:** O.C.G.A. § 36-60-6

**Effective Date:** January 1, 2012 (employers with 500 or more employees); July 1, 2012 (employers with 100 or more employees but fewer than 500 employees); July 1, 2013 (employers with more than ten employees but fewer than 100 employees).

**Scope:** Private employers with 10 or more employees.

**Covered Employees:** All employees working 35 hours or more per week.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility.

### Public Employers

**Law:** O.C.G.A. § 13-10-91

**Effective Date:** July 1, 2007

**Scope:** All public employers, including municipalities and counties.

**Covered Employees:** All employees.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** O.C.G.A. § 13-10-91

**Effective Date:** July 1, 2007

**Scope:** Contractors and subcontractors of public employers.

**Covered Employees:** All employees.

**Requirement:** Contractors and subcontractors must enroll in and use E-Verify in order to be eligible to enter into a contract with a public employer for performance of services. Bids for public contracts must include affidavits attesting to four items related to the contractor or subcontractor's use of E-Verify.


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# Idaho

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify generally by private employers in this jurisdiction.

### Public Employers

**Law:** Executive Order #2009-10

**Effective Date:** July 1, 2009

**Scope:** State agencies.

**Covered Employees:** All employees.

**Requirement:** State agencies must use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** Executive Order #2009-10

**Effective Date:** July 1, 2009

**Scope:** Contracts for state projects or services provided to the state that involve state or federal stimulus funds.

**Covered Employees:** All employees.

**Requirement:** Contractors must enroll in and use E-Verify to verify employees' employment eligibility.


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# Indiana

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify generally by private employers in this jurisdiction.

### Public Employers

**Law:** Indiana Code § 22-5-1.7-10

**Effective Date:** June 30, 2011

**Scope:** State agencies and political subdivisions.

**Covered Employees:** All employees.

**Requirement:** State agencies and political subdivisions must use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** Indiana Code § 22-5-1.7-11

**Effective Date:** June 30, 2011 (public service contracts); June 30, 2015 (public works contracts)

**Scope:** Public contracts for services; Contracts for public works projects; Grants of over $1,000.

**Covered Employees:** All employees.

**Requirement:** Public contracts must contain provisions requiring contractors to enroll in and use E-Verify; Grants require affidavit and documentation from the business entity that they are enrolled in and using E-Verify.


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# Louisiana

### Private Employers

**Law:** Louisiana Rev. Stat §23.995

**Effective Date:** August 15, 2011

**Scope:** All employers.

**Covered Employees:** All employees in the state of Louisiana.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility and maintain the E-Verify case result for each employee demonstrating that the employee is authorized to work or request and maintain one of the identity and legal status documents outlined in the Code.

### Public Employers

**Law:** Louisiana Rev. Stat §23.995

**Effective Date:** August 15, 2011

**Scope:** All employers.

**Covered Employees:** All employees in the state of Louisiana.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility and maintain the E-Verify case result for each employee demonstrating that the employee is authorized to work or request and maintain one of the identity and legal status documents outlined in the Code.

### State Contracts or Incentive Programs

**Law:** Louisiana Rev. Stat §2212.10

**Effective Date:** January 1, 2012

**Scope:** Contracts with public entities for work to be performed in Louisiana.

**Covered Employees:** All employees in the state of Louisiana.

**Requirement:** In order to bid on public contracts, employers must certify that they are registered with and use E-Verify and that they will continue to do so for the duration of the contract. The employer must also require subcontractors to complete this certification.


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# Michigan

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by public employers generally in this jurisdiction.

### State Contracts or Incentive Programs

**Law:** Act No. 200 of Public Acts of 2012

**Effective Date:** June 26, 2012

**Scope:** Any contract or subcontract with the Department of Transportation for construction, maintenance, or engineering services.

**Covered Employees:** All individuals hired during term of contract.

**Requirement:** As a condition of a covered contract, prequalified contractors and subcontractors must agree to use E-Verify for covered employees.




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# Minnesota

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by public employers generally in this jurisdiction.

### State Contracts or Incentive Programs

**Law:** Minn. Stat. § 16C.075

**Effective Date:** January 1, 2012

**Scope:** Contracts for services valued in excess of $50,000, with limited exceptions.

**Covered Employees:** All employees performing work on behalf of the state.

**Requirement:** Vendors and subcontractors must certify that they have implemented or are in the process of implementing E-Verify program.




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# Mississippi

### Private Employers

**Law:** Miss. Code Ann. § 71-11-3

**Effective Date:** July 1, 2008 (state agencies, political subdivisions, public contractors and subcontractors, private employers with 250 or more employees); July 1, 2009 (private employers with at least 100 but less than 250 employees); July 1, 2010 (private employers with at least 30 but less than 100 employees); July 1, 2011 (all employers).

**Scope:** All employers.

**Covered Employees:** All employees hired to perform work within the State of Mississippi.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility.

### Public Employers

**Law:** Miss. Code Ann. § 71-11-3

**Effective Date:** July 1, 2008

**Scope:** All employers.

**Covered Employees:** All employees hired to perform work within the State of Mississippi.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** Miss. Code Ann. § 71-11-3

**Effective Date:** July 1, 2008

**Scope:** All employers.

**Covered Employees:** All employees hired to perform work within the State of Mississippi.

**Requirement:** Contractors and subcontractors must enroll in and use E-Verify to verify employees' employment eligibility. Contractors and subcontractors cannot enter into contracts with public employers unless the contractor/subcontractor is enrolled in and using E-Verify.


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# Missouri

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** RSMo § 285.530

**Effective Date:** July 1, 2009

**Scope:** All public employers, including every department, agency, or instrumentality of the state or political subdivision of the state.

**Covered Employees:** All employees performing work in Missouri.

**Requirement:** All public employers must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** RSMo § 285.530

**Effective Date:** July 1, 2009

**Scope:** Any contract or grant over $5,000 by the state or by any political subdivision; Any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state.

**Covered Employees:** Employees working in Missouri in connection with contracted services.

**Requirement:** As a condition of a covered contract, grant, tax credit, tax abatement, or loan, the business entity must provide an affidavit and documentation confirming that they are enrolled in and using E-Verify for covered employees.


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# Nebraska

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** Neb. Rev. Stat. § 4-114

**Effective Date:** October 1, 2009

**Scope:** Any agency or political subdivision of the State of Nebraska.

**Covered Employees:** Employees physically performing services within the State of Nebraska.

**Requirement:** All public employers must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** Neb. Rev. Stat. § 4-114

**Effective Date:** October 1, 2009

**Scope:** Any contractor who is awarded a contract by a public employer for services to be performed in the state; Any subcontractor of a contractor who is awarded a covered contract.

**Covered Employees:** Employees physically performing services within the State of Nebraska.

**Requirement:** All public employers and contractors must enroll in and use E-Verify. All public contracts must contain a provision requiring the use of E-Verify.


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# North Carolina

### Private Employers

**Law:** N.C. Gen. Stat. § 64-26

**Effective Date:** October 1, 2012 (employers with 500 or more employees); January 1, 2013 (employers with 100 or more but less than 500 employees); July 1, 2013 (employers with 25 or more but less than 100 employees).

**Scope:** Any person, business entity, or other organization that employs 25 or more employees in North Carolina and does business in North Carolina.

**Covered Employees:** Any individual who works for an employer for pay in North Carolina. Individuals whose term of employment is less than nine months in a calendar year are not included.

**Requirement:** Employers must use E-Verify to verify employees' employment eligibility and must retain a record of the verification for the duration of the individual's employment and one year after their employment ends.

### Public Employers

**Law:** N.C. Gen. Stat. § 126-7.1

**Effective Date:** March 1, 2007 for local education agencies; January 1, 2007 for all other public employers.

**Scope:** All state agencies, departments, institutions, universities, community colleges, and local education agencies.

**Covered Employees:** Employees hired to work in the United States.

**Requirement:** Public employers must use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** N.C. Gen. Stat. § 143-48.5

**Effective Date:** September 4, 2013

**Scope:** Contracts subject to Chapter 143 Article 3 of the North Carolina General Statutes.

**Covered Employees:** Any individual who works for an employer for pay in North Carolina. Individuals whose term of employment is less than nine months in a calendar year are not included.

**Requirement:** Contractors and subcontractors must use E-Verify to verify employees' employment eligibility and retain a record of the verification for the duration of the individual's employment and one year after their employment ends in order to enter into a public contract.


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# Oklahoma

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** 25 Okl. St. Ann. § 1313

**Effective Date:** July 1, 2008

**Scope:** All public employers, including every department, agency, or instrumentality of the state or a political subdivision of the state.

**Covered Employees:** All employees.

**Requirement:** All public employers must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** 25 Okl. St. Ann. § 1313

**Effective Date:** July 1, 2008

**Scope:** All public contractors and subcontractors.

**Covered Employees:** All employees.

**Requirement:** All public contractors and subcontractors must enroll in and use E-Verify to verify employees' employment eligibility.


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# Pennsylvania

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by public employers generally in this jurisdiction.

### State Contracts or Incentive Programs

**Law:** 4 P.A. Code § 66.4

**Effective Date:** January 1, 2013

**Scope:** All public works contractors and subcontractors.

**Covered Employees:** All employees.

**Requirement:** All public works contractors and subcontractors must enroll in and use E-Verify. New employees hired during the term of the public works contract must be verified within 5 business days of their start date.




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# South Carolina

### Private Employers

**Law:** S.C. Code § 41-8-20

**Effective Date:** July 1, 2009

**Scope:** All private employers.

**Covered Employees:** All employees.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility.

### Public Employers

**Law:** S.C. Code § 8-14-20

**Effective Date:** January 1, 2009

**Scope:** Every department, agency, or instrumentality of the State or a political subdivision of the State.

**Covered Employees:** All employees.

**Requirement:** Public employers must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** S.C. Code § 8-14-20

**Effective Date:** January 1, 2009

**Scope:** Public service contracts which, with limited exceptions, includes contracts that involve the physical performance of manual labor, if the total cost of such labor exceeds (i) thirty percent of the total cost of all labor, or (ii) five percent of the total contract price.

**Covered Employees:** All employees.

**Requirement:** Contractors and subcontractors must agree to enroll in and use E-Verify to verify employees' employment eligibility in order to be eligible to enter into a public services contract for the performance of services in South Carolina.


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# Tennessee

### Private Employers

**Law:** Tenn. Code Ann. § 50-1-703

**Effective Date:** January 1, 2023

**Scope:** Private employers with 35 or more full time employees.

**Covered Employees:** All employees.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility and must maintain the E-Verify case result for each employee demonstrating that the employee is authorized to work.

### Private Employers

**Law:** Tenn. Code Ann. § 50-1-703

**Effective Date:** January 1, 2023

**Scope:** Private employers with fewer than 35 full time employees.

**Covered Employees:** All employees.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility and maintain the E-Verify case result for each employee demonstrating that the employee is authorized to work or request and maintain one of the identity and legal status documents outlined in the Code.

### Public Employers

**Law:** Tenn. Code Ann. § 50-1-703

**Effective Date:** January 1, 2023

**Scope:** The state or any political subdivision which exercises governmental powers under the laws of this state and uses tax revenues.

**Covered Employees:** All employees.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility and maintain the E-Verify case result for each employee demonstrating that the employee is authorized to work or request and maintain one of the identity and legal status documents outlined in the Code.

### State Contracts or Incentive Programs

**Law:** HireRight has identified no laws requiring the use of E-Verify for participation in state contracts or incentive programs in this jurisdiction.


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# Texas

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** Texas Govt Code Sec. 673.001

**Effective Date:** September 1, 2015

**Scope:** State agencies, including any department, commission, board, office, or other agency of any branch of state government, including an institution of higher education.

**Covered Employees:** All employees.

**Requirement:** State agencies must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** Executive Order RP 80

**Effective Date:** December 3, 2014

**Scope:** State contracts for services.

**Covered Employees:** Any employee working in Texas during contract term and any employee assigned to work the contract.

**Requirement:** All state contractors must enroll in and use E-Verify to verify employees' employment eligibility.




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# Utah

### Private Employers

**Law:** Utah Code § 13-47-201

**Effective Date:** May 4, 2022

**Scope:** Private employers employing 150 or more employees.

**Covered Employees:** All employees, except foreign nationals holding an H-2A or H-2B visa issued in response to a petition by the private employer.

**Requirement:** Employers must enroll in and use E-Verify to verify employees' employment eligibility. Note this law will be repealed upon the implementation of the Utah Guest Worker Program, which will implement new employment eligibility verification requirements. The start date for this program is defined in 63G-12-102 as "120 days after the day on which the governor finds that the state has the one or more federal waivers, exemptions, or authorizations needed to implement the program; or July 1, 2027."

### Public Employers

**Law:** Utah Code § 63G-12-302

**Effective Date:** July 1, 2009

**Scope:** Public employers, including the State or any administrative subunit, a state institution of higher education, a political subdivision of the state including a county, city, town, school district, special district, or special service district, and an administrative subunit of a political subdivision.

**Covered Employees:** All new employees.

**Requirement:** Public employers must enroll in and use E-Verify to verify employees' employment eligibility. These requirements are set to change upon the implementation of the Utah Guest Worker Program, which will implement new employment eligibility verification requirements. The start date for this program is defined in 63G-12-102 as "120 days after the day on which the governor finds that the state has the one or more federal waivers, exemptions, or authorizations needed to implement the program; or July 1, 2027."

### State Contracts or Incentive Programs

**Law:** Utah Code § 63G-12-302

**Effective Date:** July 1, 2009


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**Scope:** Contracts with public employers for services to be performed within the state, with limited exceptions for select types of contracts.

**Covered Employees:** Employees employed in the state.

**Requirement:** All public contractors and their subcontractors must enroll in and use E-Verify. These requirements are set to change upon the implementation of the Utah Guest Worker Program, which will implement new employment eligibility verification requirements. The start date for this program is defined in 63G-12-102 as "120 days after the day on which the governor finds that the state has the one or more federal waivers, exemptions, or authorizations needed to implement the program; or July 1, 2027."




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# Virginia

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** V.A. Code § 40.1-11.2

**Effective Date:** December 1, 2012

**Scope:** All agencies of the Commonwealth of Virginia.

**Covered Employees:** Employees hired to perform work in Virginia.

**Requirement:** State agencies must enroll in and use E-Verify to verify employees' employment eligibility.

### State Contracts or Incentive Programs

**Law:** V.A. Code § 2.2-4308.2

**Effective Date:** December 1, 2013

**Scope:** Employers with more than an average of 50 employees for the previous 12 months entering into a contract in excess of $50,000 with a state agency.

**Covered Employees:** Employees performing work pursuant to a covered state contract.

**Requirement:** Covered employers must enroll in and use E-Verify to verify employees' employment eligibility.


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# West Virginia

### Private Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by private employers generally in this jurisdiction.

### Public Employers

**Law:** HireRight has identified no laws requiring the use of E-Verify by public employers generally in this jurisdiction.

### State Contracts or Incentive Programs

**Law:** W.Va. Coda §15-2D-3

**Effective Date:** June 8, 2012

**Scope:** Service providers whose employees are regularly employed on the grounds or in the buildings of the Capitol Complex.

**Covered Employees:** New employees hired to provide services on the grounds or in the building of the Capitol Complex.

**Requirement:** Covered service providers must use E-Verify to verify the employment eligibility of new employees hired to provide services at the Capitol Complex.




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# More Information

Another valuable resource is HireRight Compliance Central™, an online content portal designed to help keep customers informed of legislation and regulations that may impact their employment screening and employment eligibility programs. HireRight Compliance Central assists employers in maintaining compliance and communicating legislative changes to their organizations. To access this resource, select Compliance Central in the left navigation bar of your screening solution.

**Key features:**

- Breadth of screening-related compliance information and news
- Expert viewpoints
- Instant access to changing legislation

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HireRight is a leading global provider of technology-driven workforce risk management and compliance solutions. We provide comprehensive background screening, verification, identification, monitoring, and drug and health screening services for approximately 37,000 customers across the globe. We offer our services via a unified global software and data platform that tightly integrates into our customers' human capital management systems, enabling highly effective and efficient workflows for workforce hiring, onboarding, and monitoring. In 2022, we screened over 24 million job applicants, employees, and contractors for our customers and processed over 107 million screens. For more information, visit www.HireRight.com.

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