

## Senate Bill 81 Effective Today

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As a reminder, Utah's immigration law, Senate Bill 81 goes into effect today. The law makes it unlawful for a Utah employer to terminate U.S. citizen worker and replace that individual with an undocumented worker hired after July 1, 2009. Currently the civil or criminal penalty employers face for committing this unlawful act is undetermined, and the state has not designated an agency to enforce this provision. SB 81 also requires employers who sign or renew state or municipal government contracts after July 1, 2009 to use a status verification system such as E-Verify. Contracts awarded through a request for proposal process will include a clause mandating the prime and subcontractor to use a E-Verify.

E-Verify Monitoring and Compliance Branch will investigate suspected misuse of E-Verify by employers and criminals and improper continued employment after an E-Verify final non-confirmation. Employers who are currently using E-Verify should carefully consider the potential liabilities of the information shared with the federal government.

Parsons Behle & Latimer will host an immigration workshop on SB 81 for employers on July 29, 9:00 - 10:30 a.m., to discuss the implications for employers and the pros and cons of using the E-Verify program. Further details will follow in a separate e-mail.

### E-Verify

E-Verify is a free web-based verification program offered by the federal government that allows employers to check the employment eligibility of new hires and as of May 2009 is used by 120,000 employers nationwide and 800 employers in Utah. The federal government recently announced a new E-Verify data mining initiative to review the information that employers input into the E-Verify program. Starting June 22, 2009 the newly formed

### Employment Law Department

*The attorneys in the Employment Law department are here to help you with any questions or problems you may have concerning employment law issues.*

Please contact the department chair:

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