



## HR and Benefits Update



### **With September 8 Deadline for Government Contractors to Use E-Verify, USCIS Invites Comments on E-Verify Program Designated Agent Process**

*June 23, 2009*

With the September 8, 2009 deadline for federal government contractors to begin using E-Verify to confirm the employment eligibility of new employees, the U.S. Citizenship and Immigration Services (USCIS) now is inviting comments or suggestions for improving the E-Verify Program Designated Agent Process.

August 24, 2009 is the deadline for employers and other interested parties to submit comments or suggestions to USCIS for improving the E-Verify Program Designated Agent Process under which a participating employer may choose to outsource submission of employment eligibility verification queries for newly hired employees to a Designated Agent. USCIS invited the comments in a [Request For Public Comment On E-Verify Program Designated Agent Process](#) published in the June 23, 2009 Federal Register.

Federal government contractors and subcontractors will be required to begin using the E-Verify system to verify the eligibility of employees to work in the United States on September 8. The Obama Administration recently delayed implementation of the [final rule](#) requiring federal contractors and subcontractors to use E-Verify to confirm the eligibility of employees to work in the U.S. The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (collectively known as the Federal Acquisitions Regulatory Councils) published an amendment in the Federal Register on June 5, 2009, postponing the applicability of the final rule until Sept. 8, 2009. This new federal government contractor mandate to use E-Verify is fueling heightened interest and concern by these and other businesses in the existence and particulars of the E-Verify program.

The E-Verify Program is a free employment eligibility confirmation system operated jointly by USCIS and the Social Security Administration (SSA). Under impending regulations, government contractors recently re-extended by Congress, it is designed to determine the employment eligibility of new hires. The E-Verify program allows participating employers to electronically confirm the employment eligibility of newly hired employees to help maintain a stable and legal workforce.

An E-Verify Designated Agent is a liaison between E-Verify and employers who choose to outsource submission of employment eligibility verification queries for newly hired employees. E-Verify Designated Agents conduct the verification process for other employers or clients. An E-Verify Designated Agent must register online and sign a Memorandum of Understanding (MOU) with SSA and DHS. Once the MOU is approved, the E-Verify Designated Agent can then begin registering employers and clients who have designated it to perform their verification services.

Since the program design for Designated Agents has changed very little over the past several years, USCIS plans to review the Designated Agent process to assess how Designated Agents

provide this service to their clients. According to the Notice, the purpose of this notice is to request that Designated Agents, their clients, or others with Designated Agent experience provide their comments or suggestions for improving the Designated Agent process.

Curran Tomko Tarski LLP Labor & Employment Practice Group Chair, Cynthia Marcotte Stamer, and other members of Curran Tomko Tarski LLP are experienced with advising and assisting employers and others to respond to proposed legislation and regulations and addressing other leave and other labor and employment, employee benefit, compensation, and internal controls concerns. If your organization needs assistance with assessing or responding to H.R. 2450 or assistance with leave and absence management or other labor and employment, compensation or benefit concerns or regulations, please contact Ms. Stamer at [CStamer@cttlegal.com](mailto:CStamer@cttlegal.com), (214) 270-2402; or your favorite Curran Tomko Tarski, LLP attorney. For additional information about the experience and services of Ms. Stamer and other members of the Curran Tomko Tarski, LLP team, see [here](#).

### **Other Information & Resources**

You can review other recent human resources, employee benefits and internal controls publications and resources and additional information about the employment, employee benefits and other experience of the Curran Tomko Tarski LLP attorneys [here](#). If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile [here](#) or e-mailing this information to [CStamer@cttlegal.com](mailto:CStamer@cttlegal.com) or registering to participate in the distribution of these and other updates on our HR & Employee Benefits Update distributions [here](#). Also stay abreast of emerging internal controls and compliance challenges by registering for our [Corporate Compliance, Risk Management & Internal Controls](#) distributions. For important information concerning this communication click [here](#). If you do not wish to receive these updates in the future, send an e-mail with the word “Remove” in the Subject to [Support@SolutionsLawyer.net](mailto:Support@SolutionsLawyer.net).

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