

Labor and Employment E-news

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Action Required for Employers with Employees in Arizona

Employers with employees in Arizona who have not already done so must register for the federal government's E-Verify program before hiring any new employees. The Legal Arizona Business Act, which went into effect on January 1, 2008, is intended to ensure that no businesses in Arizona knowingly or intentionally hire illegal immigrants.

This new law requires employers to use the federal government's E-Verify program to verify the status of new employees. It also imposes sanctions on employers who hire unauthorized workers.

Penalties are severe. For a first violation, employers found to have knowingly employed illegal immigrants must have their Arizona business licenses suspended for up to ten days. Those found to have intentionally employed illegal immigrants must have their licenses suspended for at least ten days. For a second violation, the penalty is permanent revocation of employers' Arizona business licenses.

Legal challenges were brought to stop the new law from taking effect, but were unsuccessful. However, cases are pending challenging the law. For now, employers with employees in Arizona should comply with the new law.

Although the new law only applies in Arizona, it is likely that other states will follow Arizona's lead and make participation in the E-Verify program mandatory. Currently the law only applies to new hires and the E-Verify system should not be used for current employees.

What You Should Do Now

- If you have employees in Arizona and have not already done so, register for the E-Verify program.
- Train personnel who will be involved in the verification process.
- Use the E-Verify program for new hires within three business days of their start date.
- Post required notices.
- Put in place a process for notifying employees whose eligibility is not initially confirmed.
- This is also a good time for an internal I-9 audit to make sure that proper policies are being followed for employment verification for all employees.

For assistance in any complying with the Legal Arizona Workers Act, contact your current Butzel Long Labor and Employment Law attorney. If you do not have a Butzel Long attorney, please contact the author of this E-news Bulletin.

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