



Virginia's Version of E-Verify Signed Into Law

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Governor McDonnell has signed into law Virginia's version of E-Verify. Under the new law, which takes effect December 1, 2013, all employers with an average of 50 or more employees working in Virginia for the previous 12 months, entering into a contract in excess of \$50,000 with any agency of the Commonwealth, are required to use the federal E-Verify database to determine whether new hires are authorized to perform work or provide services pursuant to such contract.

Unlike legislation in a handful of states requiring all contractors within the state to use E-Verify, the new law only covers employers that have contracts with the Commonwealth.

According to the new law, failure to comply with the law shall result in (i) denial of prequalification of employers to enter into contracts with the Commonwealth and (ii) debarment from contracting with the Commonwealth for up to one year. Such debarment would cease upon the employer's registration and participation in the E-Verify program. Consequently, employers should become familiar with the new law as quickly as possible.

Our recent *Client Alert* discussing the application of the E-Verify program in Arizona, along with a more detailed discussion of the E-Verify program in different states, can be accessed at <http://www.williamsmullen.com/supreme-court-upholds-arizona-e-verify-law-new-national-landscape-for-employers-06-01-2011/>.

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