



## **Georgia and North Carolina Employers must begin using E-Verify July 1, 2013**

As of July 1, 2013, all employers in North Carolina with 25 employees or more and all employers in Georgia with 10 employees or more must enroll in E-Verify. During summer 2011, both Georgia and North Carolina legislatures passed laws mandating the use of E-Verify for private companies. Employers were phased over time to enroll in E-Verify based on the company size. The final phases of states' programs take effect on July 1, 2013.

Georgia and North Carolina have each had three phases of E-Verify regulation:

	Georgia	North Carolina
500 or more Employees	January 1, 2012	October 1, 2012
100 or more Employees	July 1, 2012	January 1, 2013
<b>10 or more Employees</b>	<b>July 1, 2013</b>	NA
<b>25 or more Employees</b>	NA	<b>July 1, 2013</b>

### **Who does this law affect?**

All employers in North Carolina with 25 or more employees and all employers in Georgia with 10 or more employees.

### **When does this law go into effect?**

This law goes into effect on **July 1, 2013**.

### **What does this law state?**

The [Georgia Department of Labor](#) is enforcing the [E-Verify bill](#). The Bill provides that public employers cannot enter into contracts for physical performance of services unless the contractor, subcontractor, and sub-subcontractor all register with E-Verify as well as submit an affidavit that has criminal penalties associated for any person who "knowingly and willingly" enters a false statement in an affidavit. Companies found to be in violation of law by accepting documents that are not acceptable are guilty of a misdemeanor and subject to imprisonment not to exceed 12 months, a fine not to exceed \$1,000, or both.

The general assembly of North Carolina, through the enactment of [S.L.2011-263](#), grants the [North Carolina Department of Labor](#) the duty to enforce the E-Verify law by investigating complaints for violations. Private employers with first-time violations will be required to file signed sworn affidavits that the employer has requested verification of work authorization through E-Verify for all applicable employees and the affidavit must be filed with the Commissioner of the Department of Labor within three days of a finding of noncompliance. A civil penalty of \$10,000 will be levied for failure of filing the affidavit within the three day timeframe. Employers on the second violation will receive a fine of \$1,000 in addition to the affidavit requirement. Any further violations will result in a \$2,000 fine along with the affidavit requirement. Employers have the right to appeal the order to pay the fine or submit the affidavit.

### **Are there any additional processes employers must follow?**

No. We do recommend that national employers stay abreast with laws and regulations in different states and work with your legal counsel to determine next steps.

### **Recommendations**

Enroll in E-Verify if the North Carolina or Georgia legislation applies to your company on or before the deadline of July 1, 2013. E-Verify is considered a best practice by the government for immigration compliance. All employers, particularly government contractors and subcontractors, should seek legal advice prior to enrolling in E-Verify and should use caution to ensure that compliance with a state specific law is not violating employee rights under other state or federal laws.

### **Contact Accurate Background**

Click [here](#) for more in-depth information on E-Verify. For additional questions, please contact Accurate Background at 800.784.3911.