President George Bush issued Executive Order 12989 on June 6, 2008 directing federal contractors to electronically verify the employment eligibility of their employees. The federal regulations (48CFR Parts 2, 22 and 52) issued in final form on November 14, 2008 delineate responsibilities of federal contractors. Essentially the Federal Government wants to ensure that federal contractors have a legal workforce. The effective date of the order is September 8, 2009.

An internet based system called E-Verify has been established to help employers conduct the necessary verification. E-Verify utilizes information from an employee’s form I-9 to search the databases of the Social Security Administration and the Department of Homeland Security.

The regulations indicate that a “prime” federal contract over $100,000 or longer than 120 days require E-verification. Federal pass through money over $3,000 is also covered. This regulation will be included in the terms and conditions of new contracts after the effective date. Questions about covered contracts should be directed to the Office of Sponsored Programs.

The regulations do not cover grants or federal cooperative agreements.

Higher Education is specifically mentioned in the regulations as being required to only verify the workers who are directly involved with a federal contract. Employees paid from indirect costs associated with the contract are not covered. Employees who will be working on a federal contract must be verified within 30 days of the award.

Human Resources (HR) will administer the E-Verify process. If no issues are found with the record verification it will be a simple process. If the I-9 information cannot be confirmed, HR will notify the effected employee and their department administration. The employee will be responsible for following up with the appropriate government agency to resolve the issue. HR will be available for assistance.

There are no new direct costs to UNMC to adopt this process. The majority of costs will be borne by UNMC HR in terms of time to process the E-verification. Additional time costs will be sustained by HR, department administration, and effected employees in resolving cases where identify could not be confirmed.