



December, 2011

I-9 Compliance Bulletin

Reminder: New I-9/E-Verify requirements in 2012

A number of states have passed laws with E-Verify requirements that take effect in 2012.

- **Alabama:** All employers must use E-Verify starting April 1, 2012.
- **Georgia:** All employers must use E-Verify. (Requirements phased in starting Jan. 1, 2012)
- **North Carolina:** All employers must use E-Verify. (Requirements phased in starting Oct. 1, 2012)
- **South Carolina:** All employers must use E-Verify beginning Jan. 1, 2012.
- **Tennessee:** All employers must use E-Verify or request one of a specified set of documents to prove work eligibility. (Requirements phased in starting Jan. 1, 2012)

SSA unsure whether it will resume sending no-match letters in 2012

The Social Security Administration says it does not know if it will resume sending no-match letters in 2012.

No-match letters, formally known as Decentralized Correspondence (DECOR) notices, were suspended on Aug. 29, 2011 due to budgeting constraints. We have confirmed with SSA that it doesn't know if or when it will resume sending no-match letters. We also confirmed that employers who have already received no-match letters should follow letters' instructions, though SSA plans no follow up action.

No-match letters are sent to employers when information reported on W-2s does not match SSA files, and when SSA finds it does not have a valid address for the employee. The employer is obligated to investigate discrepancies and if the error is not due to errors in the information the employer has on file for the employee, then to instruct the employee to visit a local SSA office.

California prohibits local E-Verify mandates for private employers

California passed a law which prohibits state, city, county or district governments from mandating E-Verify for private employers.

Ordinances in 14 cities and counties in California are invalidated by the law, the "Employment Acceleration Act of 2011." (California Assembly Bill 1236)

Employers in California may still use E-Verify on a voluntary basis. The state may still use E-Verify for its own new hires. City, county or district governments are also free to use E-Verify for their own employees.

California's law does not preempt federal law. If you are a federal contractor and required to use E-Verify, the law does not alter that requirement.

Bottom line

Inconsistent I-9 practices present significant risks for employers, particularly employers with hiring managers or representatives handling the I-9 process at remote locations.

To learn more about how the TALX I-9 service, with optional E-Verify integration, can help impose discipline and consistency please contact Pete Krieshok at 314-214-7325 or pkrieshok@talx.com with "I-9 consistency" in the subject line.