



E-VERIFY IN NORTH CAROLINA

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Provider Forum 6/10/14

RESOURCES:

1. *Understanding North Carolina's New E-Verify Contracting Prohibition*, UNC School of Government (Sept. 2013)(<http://tinyurl.com/EVerifyUNCsog>): "During the 2013 session of the North Carolina General Assembly, the legislature enacted the RECLAIM NC Act (S.L. 2013-418; HB786) which prohibits state and local governments from entering into **certain contracts** if the contractor **or that contractor's subcontractors** are not compliant with North Carolina's E-Verify law."(Emphasis added.)
2. *E-Verify enrollment and Free Webinars*, US Citizenship and Immigration Services (USCIS)(<http://www.uscis.gov/e-verify?gclid=CLOPmpSd774CFcxZ7Aod7xgAlQ>): "U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment. E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. E-Verify is fast, free and easy to use – and it's the best way employers can ensure a legal workforce."
3. *NC Session Law 2013-418 (HB 786)* (<http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H786v6.pdf>): Amended several NC General Statutes to require E-Verify to contract with state or to subcontract with state contractors.

NC Gen. Stat. § 153A-449. Contracts with private entities; contractors must use E-Verify

- **(a) Authority.** -- A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in. A county may not require a private contractor under this section to abide by any restriction that the county could not impose on all employers in the county, such as paying minimum wage or providing paid sick leave to its employees, as a condition of bidding on a contract.
- **(b) Contractors Must Use E-Verify.** -- No county may enter into a contract unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

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NC Gen. Stat. § 160A-20.1. Contracts with private entities; contractors must use E-Verify

- **(a) Authority.** -- A city may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in. A city may not require a private contractor under this section to abide by any restriction that the city could not impose on all employers in the city, such as paying minimum wage or providing paid sick leave to its employees, as a condition of bidding on a contract.
- **(b) Contractors Must Use E-Verify.** -- No city may enter into a contract unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

NC Gen. Stat. § 143-129. Procedure for letting of public contracts

- **(j) [Use of E-Verify Required. --]** No contract subject to this section may be awarded by any board or governing body of the State, institution of State government, or any political subdivision of the State unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

NC Gen. Stat. § 143-48.5. Contractors must use E-Verify [State purchases and contracts]

- No contract subject to the provisions of this Article may be entered into unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

NC Gen Stat. § 64-25. Definitions [Aliens – Verification of Work Authorization]

- The following definitions apply in this Article:
 - **(1) Commissioner.** -- The North Carolina Commissioner of Labor.
 - **(2) Employ.** -- Hire an employee.
 - **(3) Employee.** -- Any individual who provides services or labor for an employer in this State for wages or other remuneration. The term does not include an individual whose term of employment is less than nine months in a calendar year.
 - **(4) Employer.** -- Any person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. This term does not include State agencies, counties, municipalities, or other governmental bodies.
 - **(5) E-Verify.** -- The federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.
 - **(6) Unauthorized alien.** -- As defined in [8 U.S.C. § 1324a\(h\)\(3\)](#).