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# Special Report for HR Professionals

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The Management Advantage, Inc., PO Box 3708, Walnut Creek, CA 94598  
www.hrwebstore.com newsletter@management-advantage.com 925-671-0404

## E-VERIFY REQUIREMENTS FOR FEDERAL CONTRACTORS BEGIN IN JANUARY

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The Federal Acquisition Regulation has been finalized to require most federal contractors and subcontractors to use the government's E-Verify system. The Department of Homeland Security (administers E-Verify, a system Congress has funded through March 6, 2009. It is intended to allow employers to confirm that their newly hired workers have the legal right to work in the United States. One may surmise that Congress will extend its funding approval beyond March. If it does not, E-Verify will cease to exist.

**This new requirement becomes effective on January 15, 2009.**

### Background

On June 6, 2008, President Bush signed Executive Order 12989 creating this new requirement for federal contractors. These final rules implement that Executive Order. You can get a copy of the Executive Order at <http://www.whitehouse.gov/news/releases/2008/06/20080609-2.html>

The intention is to screen out new hires who do not have a legal right to work in the United States.

It is a controversial program. The Society for Human Resource Management (SHRM) has actively opposed E-Verify, saying it returns too many false positives. SHRM has suggested alternatives. Strong political forces continue to support E-Verify.

This is a Federal Acquisition Regulation not an affirmative action requirement. Your affirmative action plans will not change in content due to this procedural requirement. This is something you will begin finding as a contractual requirement within your contract documents.

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### Who Will Be Affected?

On the effective date, all federal contract officers will be required to put into new federal contracts the requirement that prime and sub-contractors subscribe to and use E-Verify for all new employees they hire. Since most federal contracts are renewed on an annual basis, you should expect that your personal impact will happen on the next renewal of your federal contract. Of course, if you secure a new federal contract before that, you will automatically be captured by this new E-Verify requirement. It might be good to discuss specific dates with your internal contract specialist and your company attorney.

The exception to that provision is an immediate requirement (as of January 15, 2009) placed on all federal contractors and subcontractors that have existing indefinite-delivery/indefinite-quantity contracts. Those contracts will be amended in January to require you to use E-Verify from January 15 forward.

### How Does E-Verify Work?

STEP 1: You must enroll in E-Verify. You do that on line at <https://www.vis-dhs.com/EmployerRegistration/StartPage.aspx>. If you have difficulty with the enrollment process, or if you are not sure how to answer the questions, call the Department of Homeland Security (DHS) Customer Support line at 1-888-464-4218 or e-mail [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov) and they will guide you through the process.

STEP 2: You must use the on-line E-Verify system for EVERY new employee you hire following your enrollment. You may not pick and choose which employee records you enter. If you hire a hand full of employees each year this will not be terribly burdensome. If you hire scores or hundreds of employees each year, you will have to give some consideration for how you will apply resources to this new requirement. There is no escape. It must be done.

STEP 3: You must retain the records of your submission and the results you receive from E-Verify. Retention requirements are the same as for all other employment records. That period is two years past the selection decision for most federal contractors. If you have fewer than 150 employees on your payroll, you may use a one-year retention period if you wish.

**E-Verify does not replace the I-9 Form. You must still prepare and retain the I-9 Form as you have in the past.**

### Where Is the Full Federal Register Document?

You will find a copy of the 55-page PDF Federal Register final rule posting at <http://www.management-advantage.com/media/E-VerifyRequirementforFederalContractors.pdf> (272.54 KB)

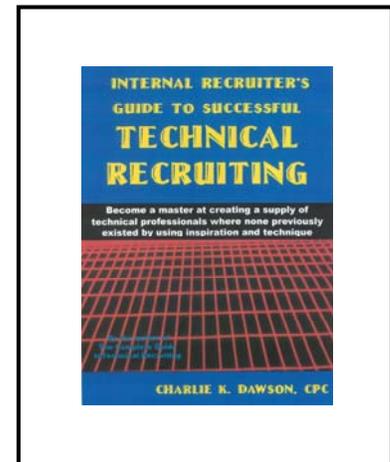
Most Federal Contractors should be ready to use the DHS E-Verify system by January 15, 2009.

## *Internal Recruiter's Guide to Successful Technical Recruiting*

Author, Charlie Dawson, has achieved the success most recruiters have only dreamed of. In this new book, Charlie shares his secrets with you. He provides dozens of check lists and reminders so you can easily stay on the right track in your recruiting efforts. He tells you how to locate new clients and how to find technical talent, even in today's tight market!

Even in bad economic times, certain action steps should continue so you will be ready to act quickly when the job openings are available once again.

<http://www.management-advantage.com/products/recruit2.htm>



## HIRED, WITH HARD FEELINGS

Advice to companies tempted to play hard ball with job applicants as unemployment rates rise: Think again. Employees who say they were mistreated during hiring feel less committed – for years. Researchers at Vanderbilt University's Owen Graduate School of Management surveyed roughly 100 MBA graduates about how they were hired by their employers. Those who felt they had been treated unfairly were twice as likely to be looking for opportunities outside their company, says Vanderbilt management professor Ray Friedman, "even after five years."

On his list of common "interactional injustices" during hiring are slow responses from employers, offers that are withdrawn if not accepted immediately, and "a company whose attitude is, 'You need us.'" **The lesson for businesses positioning themselves to succeed in the economic recovery: "Don't abuse the momentary power you have as an employer. It'll come back to bite you."**

[SOURCE: Business Week, November 10, 2008, <http://www.businessweek.com/> ]

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## FREE TRAINING & NEWSLETTER FROM U.S. RESEARCH ASSOCIATES

Statistical analysis is one increasingly important skill set for people who have responsibility for Affirmative Action and Equal Employment Opportunity. While some people rush toward the subject, many say doing statistical analysis is like eating Brussels sprouts or taking Castor oil. One person who embraces the subject with a relish that is almost contagious is Jim Higgins, Ed.D.

Dr. Higgins is on the staff of Biddle Consulting Group ([www.biddle.com](http://www.biddle.com)) and is the principal professional at **US Research Associates** ([www.USResearchAssociates.com](http://www.USResearchAssociates.com)), an on-line training organization. What's unique about this organization? It's FREE! Registration is free. Participation in webinars is free. Even their newsletter is free.

Dr. Higgins says, "An informed people is a free people." He believes education is the great equalizer in our society and throughout the world. Register today to receive information about the next webinar in which you can learn exactly what you need to know about statistical analysis of your employment data.

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Editor: William H. Truesdell, SPHR

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