

## What is it?

E-Verify is an online system used by enrolled employers to verify an individual's identity and employment eligibility. E-Verify compares information from an employee's Employment Eligibility Verification form (I-9) to data from U.S. government records.

## How do we use it?

Full information can be found on the E-Verify [website](#).

- Can only be used after an individual accepts an offer of employment and completes Form I-9
- Must be used within three business days of the new hire's actual start date
- Provide each employee with notice of and the opportunity to take action on a "Tentative Non-confirmation" result
- Cannot be used to verify the eligibility status of existing employees
- Must be used to verify the work status of all new hires if an employer elects to use it, regardless of national origin or citizenship
- Cannot be used selectively

## Is it required for private employers, like churches and religious non-profits?

At this time, nearly half of the states have an E-Verify requirement in some form, but for most **private** employers, the E-Verify program is voluntary. "Private employers" encompasses churches and faith-based nonprofits.

For the majority of states with an E-Verify requirement, the requirement applies only to government contractors and/or public employers. Because state laws will continue to change, be certain to check your state and municipality department of labor and other government websites.

E-Verify Requirements for Private Employers	
Alabama	<a href="#">Mandatory</a>
Alaska	Voluntary
Arizona	<a href="#">Mandatory</a>
Arkansas	Voluntary
California	Voluntary
Colorado	Voluntary
Connecticut	Voluntary
Delaware	Voluntary
D. C.	Voluntary
Florida	<a href="#">Mandatory</a> for employers with 25+ employees   <a href="#">additional pending legislation</a>

	<b><i>Additional Requirements:</i></b> Private employers not using E-Verify must keep copies of documents used to complete Form I-9 for three years
<b>Georgia</b>	<u>Mandatory</u> for employers with 11+ employees working 35+hours a week. <b><i>Additional Requirements:</i></b> Other private employers must <u>certify</u> exemption.
<b>Hawaii</b>	Voluntary
<b>Idaho</b>	Voluntary   <u>additional pending legislation</u>
<b>Illinois</b>	Voluntary <b><i>Additional Requirements:</i></b> Must follow the requirements of the Right to Privacy in the Workplace Act and post a <u>notice</u> in the workplace.
<b>Indiana</b>	Voluntary
<b>Iowa</b>	Voluntary
<b>Kansas</b>	Voluntary   <u>additional pending legislation</u>
<b>Kentucky</b>	Voluntary
<b>Louisiana</b>	Voluntary <b><i>Additional Requirements:</i></b> Employers who don't use E-Verify must keep copies of documents used to complete Form I-9
<b>Maine</b>	Voluntary
<b>Maryland</b>	Voluntary
<b>Massachusetts</b>	Voluntary
<b>Michigan</b>	Voluntary
<b>Minnesota</b>	Voluntary
<b>Mississippi</b>	<u>Mandatory</u>
<b>Missouri</b>	Voluntary <i>NOTE: Private employers are incentivized to use E-Verify</i>
<b>Montana</b>	Voluntary <b><i>Additional Requirements:</i></b> Employers who don't use E-Verify must keep copies of documents used to complete Form I-9
<b>Nebraska</b>	Voluntary <u><i>NOTE: Mandatory for employers in Fremont City, Nebraska</i></u>
<b>Nevada</b>	Voluntary
<b>New Hampshire</b>	Voluntary

New Jersey	Voluntary
New Mexico	Voluntary
New York	Voluntary
North Carolina	<a href="#">Mandatory</a> for employers with 25+ employees (Exceptions: any "seasonal temporary employee who is employed for 90 or fewer days during a 12-consecutive-month period")
North Dakota	Voluntary
Ohio	Voluntary
Oklahoma	Voluntary
Oregon	Voluntary
Pennsylvania	Voluntary
Rhode Island	Voluntary
South Carolina	<a href="#">Mandatory</a>
South Dakota	Voluntary
Tennessee	<a href="#">Mandatory</a> for private employers with 35+ employees <i>Additional Requirements: Employers who do not use E-Verify must maintain copies of eligibility documents. Employee count applies to employees working inside or outside Tennessee.</i>
Texas	Voluntary
Utah	<a href="#">Mandatory</a> for employers with 150+ employees <i>NOTE: May be permitted to use other <a href="#">state equivalent "status verification system"</a></i>
Vermont	Voluntary
Virginia	Voluntary
Washington	Voluntary
West Virginia	Voluntary
Wisconsin	Voluntary
Wyoming	Voluntary