

Louisiana Employment Verification Laws Await Governor's Signature

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The Louisiana State Legislature has passed two laws aimed at deterring the employment of unauthorized aliens. HB 342 would prohibit state contractors from bidding or contracting for state work without first submitting an affidavit attesting that they will use the federal E-Verify program to verify the legal work status of workers throughout the project. It also would require the contractor to obtain sworn statements from their subcontractors attesting to the use of E-Verify. Failure to complete the affidavit or use E-Verify as required would cause the work to be terminated and bar the contractor from future bidding or contract work for up to three years.

HB 646 is an unusual twist in the trend of states adopting laws requiring use of E-Verify. Rather than impose E-Verify on all employers, HB 646 makes it an offense to employ unauthorized workers and provides E-Verify as a defense to any charges brought under that section. The bill also provides a defense to employers who obtained picture identification and one of the following in determining a worker is authorized to work in the country: U.S. birth certificate (or certified birth card), a naturalization certificate, a certificate of citizenship, and alien receipt card, or an I-94 card indicating work authorization. Of course, naturalization certificates and certificates of citizenship are no longer acceptable documents for purposes of Form I-9. Employers are reminded that they cannot specify which documents an employee may present for I-9 purposes.

HB 342 was sent to the governor on June 22, 2011, and HB 646 was sent on June 23, 2011. Both await Governor Bobby Jindal's signature.

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