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This is Utah SHRM Legal-mail no. 2010-4 prepared for Salt Lake SHRM, the Human Resources Association of Central Utah (HRACU), the Northern Utah Human Resources Association (NUHRA), the Color Country Human Resources Association (CCHRA), the Bridgerland Society for Human Resource Management and Utah at-large members of the national Society for Human Resource Management (SHRM). This update is best viewed in an HTML format. Please reply with your name and "UNSUBSCRIBE" in the subject field if you no longer wish to receive this message.

CONTENTS: SPECIAL LEGISLATIVE ALERT

E-VERIFY MANDATORY FOR UTAH EMPLOYERS?

The Utah State Senate is now considering a bill that would require all Utah private employers to use the federal E-Verify employment verification system when hiring new employees beginning on or after July 1, 2010. The bill, S.B. 251 (see full text of bill at: <http://le.utah.gov/~2010/bills/sbillint/sb0251.htm>) is sponsored by Sen. Chris Buttars (of West Jordan, Utah) and was made public only a few days ago.

The bill was immediately sent to, and approved by, a Senate committee and now awaits approval by the full Senate. If the Senate approves it, the House of Representatives and Gov. Gary Herbert must also do so before it will become law.

Currently, the bill provides for criminal sanctions for those employers who do not comply, but there are indications that these sanctions will be amended out of the bill. Utah law already requires public employers to use E-Verify to verify that hired employees have the legal right to work in the United States.

Utah SHRM does not have an official position on the use of E-verify. Some Utah employers use it and like it, but I also know that there are some critics of the system.

Here are some links to national SHRM's public policy statements on the issue of employment verification- national SHRM has been critical of E-Verify, see <http://www.shrm.org/Advocacy/Issues/Immigration/Pages/policystatement.verify.aspx> and <http://www.shrm.org/Advocacy/Issues/CivilRights/Pages/verifyfactsheet.aspx> and <http://www.shrm.org/Advocacy/Issues/Immigration/Pages/testimonysuemeisinger.aspx>

For more local information about this bill, here are some links to Utah news media who have written about it:

The Salt Lake Tribune: http://www.sltrib.com/news/ci_14477407

KSL: <http://www.ksl.com/?nid=157&sid=9823561>

The Deseret News:

<http://www.deseretnews.com/article/700012366/Bill-verify-workers-legal-status.html>

Utah SHRM members should make their voices heard on this issue. Here is a link to a roster of State Senators and Representatives that will allow you to determine (by county or city) your Senator/Representative and will provide contact information if you want to email him or her about this matter:

Senate: <http://www.utahsenate.org/roster.html>

House: <http://www.le.state.ut.us/house/members/membertable1add.asp>

Remember that the Utah Legislature adjourns on Wednesday, March 11, 2010, so if you want to be heard on this issue, send emails today or early next week.

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Legal-mail is a legal and legislative update service sent out about twice a month to various Utah SHRM members and chapters. As a courtesy to SHRM, the Utah law firm of Jones Waldo Holbrook & McDonough P.C. underwrites the costs of the service. If you have any questions or comments, please contact Michael Patrick O'Brien.

Disclosure: These updates are merely updates and are not intended to be legal advice. Receipt of this information does not create an attorney-client relationship.