



Senate Bill 2988 - A New Quandary for Mississippi Employers

Employers will be forced to meet more stringent hiring guidelines thanks to Senate Bill 2988, the Mississippi Employment Protection Act. Senate Bill 2988 ("SB 2988") was signed into law by Governor Haley Barbour on March 17, 2008, when the Governor announced: "Any employer who knowingly hires an illegal alien should be held accountable, and that is the goal of SB 2988." This Bill soon will require employers to verify the federal employment status of their prospective employees and new hires in a new way. In days past, the Employment Eligibility Verification Form I-9, if completed properly, was sufficient. As a matter of fact, under federal law employers are not allowed to request more or different documents than those listed on Form I-9 and any documents that appear reasonably genuine have to be accepted by the employer. Form I-9 will only be the starting point for employers in Mississippi if SB 2988 goes into effect on July 1, 2008, without change.

I-9 Only the Starting Point Under SB 2988

As SB 2988 is presently written, the only way for employers to comply with the employment status verification requirements of the Bill will be via E-Verify which is internet based. Registration for use of E-Verify is mandatory under the Bill, but fortunately free. Under SB 2988, employers not only will have to comply with the I-9 requirements, but also will have to enter the information found on the Form I-9 into E-Verify where it will be compared to records in the Department of Homeland Security's and Social Security Administration's databases. According to the U.S. Citizenship and Immigration Services Agency (referred to as "USCIS"), E-Verify promises to be user friendly and very quick; employers are told to expect E-Verify to search these vast databases and return results to them within seconds of submitting their inquiry. For more information on E-Verify, visit the USCIS's website at www.uscis.gov.

Phased-In Compliance

While ultimately all but a handful of excepted employers will be required to register with E-Verify and utilize it to verify employment status, this new law will not affect every covered employer at the same time. State agencies and political subdivisions, public contractors and subcontractors, and private employers with 250 or more employees must register with and use E-Verify to verify

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employment status not later than July 1, 2008. Employers with fewer than 250 employees are afforded more time; however, by July 1, 2011, all affected employers must be registered with E-Verify and using it to verify employment status.

SB 2988 Not Without Opposition

SB 2988 was not signed into law without opposition. A number of employers have voiced their concerns about the government's regulations of their businesses. In addition, some immigrants and their advocates view this Bill as discriminatory toward Latinos as the penalties included in this Bill will arguably make it more difficult for them than others to secure employment in Mississippi.

Problems With SB 2988 Recognized, But Not Yet Fixed

E-Verify is not without flaws, as recognized by the federal Department of Homeland Security in its 2006 Report on the system. In particular, how will SB 2988's mandated use of E-Verify be reconciled with the less stringent federal law and the known flaws in the E-Verify system? As Governor Barbour stated in the press release that accompanied his signing SB 2988: "While I have signed this legislation into law, I have serious concerns about specific provisions of the bill that could have unintended negative consequences. I urge the Legislature to make the necessary technical changes to ensure this bill will have the intended effect." The Governor has specifically urged the Mississippi Legislature "to add other reliable verification systems beyond E-Verify to confirm the hiring eligibility of potential employees." In the meantime, Mississippi employers will be required to utilize E-Verify, regardless of its less than stellar performance to date. To read Senate Bill 2988 in full, click [here](#).

Contact Us



• **Wendy W. White** is an attorney in the firm's [Labor and Employment Group](#). Her practice is concentrated in the areas of employment discrimination, wage and hour and other employment related torts and workers' compensation. Wendy can be contacted via e-mail at wendy.white@butlersnow.com and is licensed to practice in Mississippi.