



Cincinnati Law Library News

A Monthly Newsletter from the Cincinnati Law Library Association

January 2009

What is E-Verify and Does it Apply to my Contract?

Written by the Immigration and Citizenship Practice and the Labor and Employment Law Practice attorneys of Taft Stettinius & Hollister. Reprinted with permission.

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Effective January 15, 2009, the Federal Government will require federal contractors and subcontractors to use E-Verify to verify the work status of employees who work on prime federal contracts valued at over \$100,000 with a performance period of 120 days or more, and subcontracts under a covered prime contract valued at over \$3,000. E-Verify is an internet based program operated by the Department of Homeland Security ("DHS") in partnership with the Social Security Administration ("SSA"). The system enables employers to check the work status of new hires online by comparing information from an employee's Form I-9 against SSA and DHS databases.

Federal contractors who are *not already enrolled in E-Verify* will be required to enroll within 30 days of contract award. Within 90 days following enrollment, contractors must begin to use E-Verify to confirm employment eligibility of (a) all new hires within 3 business days after the date of hire, and (b) all existing employees assigned to the contract (or, if later, within 30 days after assignment to the contract).

Contractors who are *already enrolled* must use E-Verify (a) within 90 days after enrollment to confirm the employment eligibility of new hires within 3 business days after the date of hire, and (b) to confirm the employment eligibility of existing employees assigned to the Federal contract within the later of 90 days following contract award or 30 days following assignment to the contract.

Federal contractors may register early at <http://www.uscis.gov/E-verify>. The 90-day phase-in period will begin to run from the date of early enrollment, however. Contractors will be required to sign a Memorandum of Understanding ("MOU") with Department of Homeland Security ("DHS"). Once this is completed, the person specified by the employer or employer worksite as its designated agent can register to use E-Verify and obtain passwords for access by permitted users.

The final version of the MOU is not yet available.

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March 1 Renewal

Don't forget to renew your membership by March 1. This will ensure your continued access to our remote resources like CCH newsletters, Fastcase.com and HeinOnline law journals. Is your firm looking for ways to save on legal research fees? Firm memberships provide all lawyers and professional staff with access to our resources for a discounted fee.

The Cincinnati Law Library Association

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www.cincinnatiilaw.org

Topical Emails from the Law Library

By Mary Jenkins, Law Library Director

The Law Library offers members-only email notifications of recent legal news and information in a variety of practice areas. Emailed news updates are compiled and sent out periodically, focusing on the particular area of law that interests you. The sources for our email updates include general and law-related news sites, legal publishers' newsletters, and more. Members and county and court personnel can select from these topics: Criminal, Employment, Estates and Trusts, Family Law, Intellectual Property, Real Estate, Tax, Journal Watch, Torts, and Workers' Compensation. To sign up, go to <http://www.hamilton-co.org/cinlawlib/interact/list.html> or contact Systems Librarian Julie Koehne for more information.

Now Available Online:

BNA's Bankruptcy Law Reporter & Real Estate Law and Industry Report

By Mary Jenkins, Law Library Director

The Law Library recently added two BNA reporters to the material available online at the library: Bankruptcy Law Reporter & Real Estate Law and Industry Report. Although these titles cannot be accessed offsite, you are welcome to use them here at the Courthouse. A tip for any of the BNA products: Users can save searches to run again later. This is particularly helpful if you are following a particular topic or case. Unfortunately, it's not possible to set up alerts that automatically run and email you results from the BNA titles. If you would like more information about the content or searching these products, just contact reference staff at reference@cms.hamilton-co.org or 513.946.5300.



Visit Your Clients Behind Bars with Video Conferencing

Did you know the Cincinnati Law Library Association makes available to its members video-conferencing technology to assist in meeting with clients? This service allows you to meet more regularly with your clients without necessitating a drive across the state to see them.

To make this happen, 1. **Contact Madonna** (946-5300). She will block off the time you request. 2. **Call the correctional institution** and confirm that they have videoconferencing, and the time available when they can move your prisoner to the room where it is located. You should do this as far in advance as possible. You can find contact numbers at the DRC's Web site: <http://www.drc.state.oh.us/web/prisprog.htm> You may find that certain institutions do not support this service, despite having the technology. 3. Once you have the time scheduled with the institution, call Madonna back at the Law Library and confirm the time, and we will **schedule the call with the DRC's videoconferencing** administrators.

The proposed MOU is lengthy and requires (among other things) that the employer agree to permit a DHS audit of I-9s and to ongoing DHS audits and interviews with personnel and employees to assess the effectiveness of the E-Verify program. Compliance with the terms of the MOU is a performance requirement of the Federal contract and creates significant legal obligations for the employer.

New and Additional Duties for Covered Federal Contractors and Subcontractors

Subject to the phase-in periods noted above, Federal contractors are now required to take the following additional steps to confirm employment authorization. (1) For each new employee, the employer must complete an I-9 within the first three days of employment. (2) After the I-9 is completed, an E-Verify user must submit information *directly from the completed I-9*. Each existing employee assigned to the contract whose work eligibility has not been previously confirmed through E-Verify must undergo verification within 30 days following assignment.

Initial verification will return one of three results:

1. *Employment Authorized*. If authorized, the employer must record the system generated verification number on the I-9, OR print the screen with the transaction number and store it with the I-9;
2. *SSA Tentative Non-Confirmation* (information mismatch with SSA). The employer must print the non-confirmation notice, review it with the employee, and inform the employee of the right to contest it. Both parties should sign the notice. The employee must contact DHS and/or

SSA within 8 business days to contest the finding. The Agency will update its system within 2 business days, unless additional time is deemed necessary. *The employer must carefully follow the obligations related to the Tentative Non-Confirmation process to initiate a 10 day appeal process.*

3. *DHS Verification in Process*. The employer will usually within 24 hours receive notice of employment authorization or DHS Tentative Non-Confirmation)

Final Non-Confirmation

If DHS does not find the employee to be employment authorized, the employer *must* terminate the employee, or risk a finding that it is knowingly employing an unauthorized worker. When an employer receives a final non-confirmation, it must inform DHS via E-Verify if it continues to employ a person after receipt of a Final Non-Confirmation. The employer is subject to monetary penalty for failure to notify DHS (up to \$1,000), and is subject to a rebuttable presumption that it has knowingly employed an unauthorized alien.

Other Important E-Verify Details

Employers must be certified and trained in how to use the E-Verify program. Certification requires completion of a tutorial with DHS and completing refresher training as new features are introduced.

An employer may not take any adverse action against an employee during the appeal process, unless it obtains

E-Verify, continued from page 3

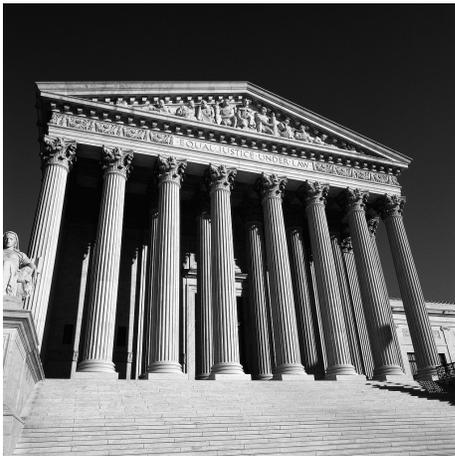
independent knowledge that the person lacks work authorization.

Employers must allow DHS and SSA to make periodic visits to review E-Verify related records and to interview employees hired during E-Verify about their experience. Employers must make other employment records available as requested by DHS and SSA.

Employers must still complete and maintain I-9 forms for all employees and conduct re-verification as necessary.

The prime contractor is responsible for “flowdown” of E-Verify contractual clauses to subcontractors and for ensuring subcontractor compliance as a performance requirement.

Written by the Immigration and Citizenship Practice and the Labor and Employment Law Practice attorneys of Taft Stettinius & Hollister. For more information call 513.381.2838 or visit their website at <http://www.taftlaw.com/>



Ohio County Law Library Legislation: HB 420 Signed by Governor on December 30

By Mary Jenkins, Law Library Director

HB 420, including the county law library language, passed the House with Senate amendments on December 17, 2008 and was signed by Governor Strickland on December 30. An emergency clause allows a January 1, 2009 effective date for a number of provisions.

You may recall that this law serves to, among many other things, "...create a county law library resources board in each county and a statewide consortium of such boards, [and] to reconstitute the Task Force on Law Library Associations". Effective January 1, 2010, the CLLRB will have the authority to employ a law librarian and staff, to adopt rules for the expenditure of funds, to determine rules related to public access and hours of operation of the law library, to contract for services and establish fees schedules, and to review proposals for legal research-related purchases by county offices.

Provisions of ORC 3375.49 (HB 66) are repealed, particularly those that required law library associations to reimburse counties for an increasing portion of the expenses related to compensation, space, and utilities used in the delivery of law library services to county officials, the courts, and library members.

Locally, the Cincinnati Law Library Association and Hamilton County will work together to ensure a smooth transition and the continuation of the services of the county's bench and bar law library, created here in 1834.

Researching Immigration Law

By Glenna Herald

Immigration law is under the authority of the United States Congress, therefore, the most recent immigration reforms announced by Homeland Security Secretary Chertoff and Commerce Secretary Guterrez work within the existing laws governing immigration. The newly implemented changes, like E-Verify, mostly impact employment law and immigrant status requirements for obtaining government identification.

Whether you need an introduction to the laws dealing with immigration or access to sources that will keep you topical in the field of migration look no further. The Cincinnati Law Library provides access to the following materials, keeping you informed of emerging trends in immigration law.

Kurzban's Immigration Law Sourcebook

Not put together to compete with in-depth treatises, this book was written "...to pinpoint the significant cases and references on a particular topic, or as a basis for further research on a particular issue." It includes a brief history of immigration laws, substantial sections on immigrants in the workplace, and information on the tedious process of obtaining government identification.

Immigration Trial Handbook

This publication promises to "...arm all attorneys with the sword of justice, and to allow immigration practitioners to make litigation a part of their everyday practices." It includes sample motions and pleadings with explanations and annotations.

BNA's Workplace Immigration Report

This resource, available electronically, covers immigration news and developments that affect workplace policy and practice. It also tracks court cases, federal legislation, and state activity surrounding immigration law.

If these sources don't seem to do the trick, we also have the oxymoronically titled *Nolo's U.S. Immigration Made Easy*. Need you look further?

Member Benefits

All members have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for **up to 6 weeks** at a time

Access to extensive electronic databases from the Law Library, including **LexisNexis**, **Shepards'**, **CCH Omnitax**, **CCH Human Resources Group**, and **CCH Business Group** resources, **Hein Online Law Journals** and **Federal Register**, and over 70 **Aspen / LOISLaw** treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom **videoconferencing**

5 **meeting rooms** with speaker phones

Professional **reference service** by our law librarians, available via e-mail, telephone, and in person;

Free **document delivery** by fax or e-mail of print and electronic materials

Inexpensive **CLE seminars** throughout the year, on legal research and substantive topics

In addition, solos and members whose firm has a membership have **24 hour remote access** to Fastcase.com case law and Aspen/LOISLaw treatises

Managing your Cincinnati Law Library list-serve subscription

Julie Koehne, Assistant Law Librarian

Go to <http://www.hamilton-co.org/cinlawlib/interact/list.html> and click on "Manage your subscription."



CincinnatiLaw: The Cincinnati Law Library Association List

About CincinnatiLaw

This list is hosted for the members of the Cincinnati Law Library Association, to receive updates on recent legal news and information from the Association.

This is a private, broadcast-only list, and only members of the Association (including officials designated by statute) may subscribe to topics related to legal research and information in a variety of practice areas.

Not a member? [Join the Association](#) today!

To see the collection of prior postings to the list, visit the [CincinnatiLaw Archives](#). (The current archive is only available to the list members.)

Using the CincinnatiLaw List

You can subscribe to the list, or change your subscription options.

After clicking on the "Manage your subscription" button, scroll down to enter your email address and click on the "Unsubscribe or edit options" button.

CincinnatiLaw Subscribers

To unsubscribe from CincinnatiLaw, get a password reminder, or change your subscription options enter your subscription email address:

If you leave the field blank, you will be prompted for your email address

[CincinnatiLaw list run by jkoehne at cms.hamilton-co.org, gherald at cms.hamilton-co.org, mjenkins at cms.hamilton-co.org](#)
[CincinnatiLaw administrative interface](#) (requires authorization)
[Overview of all mylist.net mailing lists](#)

CincinnatiLaw list: member options for user j...

In order to change your membership option, you must first log in by giving your membership password, you can have it emailed to you by clicking on the button below. If you click on the button, a confirmation message will be sent to you.

Important: From this point on, you must have cookies enabled in your browser, otherwise you will not be able to log in.

Password:

You will need to enter the password that was sent to your email address when you first subscribed.

Unsubscribe

By clicking on the *Unsubscribe* button, a confirmation message will be emailed to you. This message will have a link that you should click on to complete the removal process (you can also confirm by email; see the instructions in the confirmation message).

Subscription Configuration

Changing your CincinnatiLaw Subscription Information

You can change the address that you are subscribed to the mailing list with by entering the new address. A confirmation email will be sent to the new address, and the change must be confirmed before it is implemented.

Confirmations time out after about 3 days.

You can also optionally set or change your real name (i.e. John Smith).

New address:

Again to confirm:

Your name (optional):

You can change the email address you subscribed with.

Unsubscribing from CincinnatiLaw

Turn on the confirmation checkbox and hit this button to unsubscribe from this mailing list.

Yes, I really want to unsubscribe

You can unsubscribe all together, just make sure to put a check in the "Yes, I really want to unsubscribe" box.

Your CincinnatiLaw Password

Forgotten Your Password?

Click this button to have your password emailed to your subscription address.

Change Your Password

New password:

Again to confirm:

Change globally.

Your CincinnatiLaw Subscription Options

Current values are checked.

Mail delivery

Set this option to *Enabled* to receive messages posted to this mailing list. Set it to *Disabled* if you want to stay subscribed, but don't want mail delivered to you for a while (e.g. you're going on vacation). If you disable mail delivery, don't forget to re-enable it when you come back; it will not be automatically re-enabled.

Enabled
 Disabled

Set globally

Which topic categories would you like to subscribe to?

- Case Law [\(Details\)](#)
- Criminal [\(Details\)](#)
- Employment [\(Details\)](#)
- Estates and Trusts [\(Details\)](#)
- Family Law [\(Details\)](#)
- Intellectual Property [\(Details\)](#)
- Newsletter [\(Details\)](#)
- Pension Benefits [\(Details\)](#)
- Real Estate [\(Details\)](#)
- Tax [\(Details\)](#)
- Journal Watch [\(Details\)](#)
- Torts [\(Details\)](#)
- Workers' Compensation [\(Details\)](#)
- Send Nothing [\(Details\)](#)
- CLLTest [\(Details\)](#)

You can choose to subscribe to all the different categories listed to the right. If you only want the Newsletters, click the box next to the category.
NOTE: If no boxes are checked you will get everything listed.

Set Digest Mode

If you turn digest mode on, you'll get one message per digest (usually one per day but possibly more on busy days). If you turn it off, you'll get one message per list (usually one per day but possibly more on busy days). If digest mode is changed from on to off, you may receive one last digest.

Off
 On

Get MIME or Plain Text Digests?

Your e-mail program may or may not support MIME digests. In general MIME digests support extra features, like a table of contents for the messages in the digest - but if you don't support them, reading them, select plain text digests.

Get password reminder email for this list?

Once a month, you will get an email containing a password reminder for every list that you are subscribed to. You can turn this off on a per-list basis by selecting *No* for this option. If you select *Yes*, you will get password reminders for all the lists you are subscribed to, no reminder email will be sent to you.

When you are finished making any changes click on the "Submit My Changes" button.

CincinnatiLaw list run by jkoehne at cms.hamilton-co.org, gherald at cms.hamilton-co.org, mjenkins at cms.hamilton-co.org
CincinnatiLaw administrative interface (requires authorization)
Overview of all mylist.net mailing lists

2009 Membership Renewals

Law Library membership renewal invoices for 2009 were mailed on December 19. If you have any questions about dues or services, please email Membership Assistant [Madonna Stoneking](#) or Law Librarian [Mary Jenkins](#) or call 513.946.5300.

Are you an attorney at a firm that is not a member? Please contact the [Law Library](#) for firm membership information if you'd like to pass that along to the law office administrator or managing partner.

When a firm joins, all professionals at the firm will enjoy membership benefits, including remote access to a number of databases and newsletters.

Holiday Hours

The Law Library will be closed on Monday, January 19 in observance of Martin Luther King, Jr. Day

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