

GOVERNOR PAWLENTY SIGNS EXECUTIVE ORDER 08-01 -- January 7, 2008

EXECUTIVE ORDER 08-01

REQUIRING USE OF E-VERIFY FOR NEWLY  
HIRED EMPLOYEES IN THE EXECUTIVE BRANCH AND  
REQUIRING CERTIFICATION OF COMPLIANCE  
WITH FEDERAL IMMIGRATION LAWS FOR  
STATE CONTRACT VENDORS AND EMPLOYERS  
RECEIVING BUSINESS SUBSIDIES

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Minnesota Constitution and applicable statutes, do hereby issue this executive order:

WHEREAS, the federal Immigration Reform and Control Act of 1986, as amended, requires all employers, including the state, to verify and maintain documentation that every newly hired employee is legally entitled to work in the United States; and

WHEREAS, the state of Minnesota must comply with federal immigration laws as an employer, however, the state should also use its role as a purchaser of goods and services and use state procedures for granting business incentives to ensure that employers that receive benefits funded by state tax dollars comply with federal immigration laws; and

WHEREAS, the federal Department of Homeland Security, the Social Security Administration and the United States Citizenship and Immigration Service have created an electronic employment verification system called E-Verify to assist employers in electronically verifying the employment eligibility of newly hired employees; and

WHEREAS, E-Verify allows employers to compare certain types of work eligibility documentation required by the federal Immigration Reform and Control Act of 1986, with certain records maintained by the Social Security Administration and Department of Homeland Security, and includes a new photo screening tool which allows an employer to check the photo of a newly hired employee against certain immigration related photo databases; and

WHEREAS, although E-Verify may not be a perfect system, it represents the best technology currently available to employers for complying with federal laws requiring employers to verify legal work eligibility.

NOW, THEREFORE, I hereby order:

1. Consistent with the Commissioner of Employee Relations' authority in relation to employees of the executive branch pursuant to Minnesota Statutes, Chapter 43A, the Commissioner of Employee Relations will implement measures to ensure that all newly hired executive branch employees are legally eligible to work, including:

a. Requiring all hiring authorities within the executive branch of state government to use the federal electronic work verification program (“E-Verify.”)

b. Oversee training for state executive branch appointing authorities on use of E-Verify.

c. Conduct annual random audits of appointing authorities in the executive branch to ensure compliance with this Order.

2. To the extent consistent with the Commissioner of Administration’s authority over state procurement as set forth in Minnesota Statutes, Chapter 16C and the applicable administrative rules, the Commissioner of Administration will implement procedures to ensure that state contracts in excess of \$50,000 are given to vendors which are in compliance with federal employment verification laws including:

a. Developing language for state contracts that requires vendors and subcontractors to certify compliance with the Immigration Reform and Control Act of 1986 in relation to employees performing work in the United States, and that the vendor and subcontractors do not knowingly employ persons in violation of the United States immigration laws.

b. Requiring certification from vendors and subcontractors that, as of the date services on behalf of the State of Minnesota will be performed, the vendor and all subcontractors have implemented or are in the process of implementing the E-Verify program for all newly hired employees in the United States who will perform work on behalf of the State of Minnesota.

c. Developing language for state contracts that allows the state to terminate the contract and/or debar the vendor if the Commissioner of Administration determines that the vendor or subcontractor within the control of the contract vendor has knowingly employed ineligible workers in violation of the federal immigration laws.

3. To the extent consistent with state law, the Commissioner of Employment and Economic Development will establish procedures for recipients of business subsidies to certify their compliance with the Immigration Reform and Control Act in relation to employees performing work in the United States. The Commissioner will also create a scoring incentive in competitive programs for businesses which implement the E-Verify program for newly hired employees performing work in Minnesota.

Pursuant to Minnesota Statutes 2006, Section 4.035, Subdivision 2, this Executive Order will be effective fifteen (15) after publication in the State Register and filing with the Secretary of State and will remain in effect until is rescinded by proper authority or it expires in accordance with Minnesota Statutes 2006, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this seventh day of January, 2008.