



## Immigration Law Update

By Steven D. Leach and Barry H. Uhrman

### Three Business Targeted Over Employer Sanctions Law

On May 1, 2008, Governor Janet Napolitano approved a series of changes to the Legal Arizona Workers Act ("the Act"), the State's law that prohibits the knowing or intentional employment of unauthorized aliens. Among other items, the amendments provided that County and other law enforcement officials may assist in conducting investigations to determine if business are employing unauthorized workers.

On June 10, 2008, Maricopa County sheriff's deputies seized hundreds of employee records from the parent company of three Valley businesses as part of a sweeping identification theft investigation that may lead to the first use of the Act to prosecute employers who knowingly hire undocumented immigrants. This is the first time that the Maricopa County Attorney's Office and Sheriff Joe Arpaio have worked in concert to investigate potential violations of the Act. Sheriff's officials reported having evidence that more than 100 employees at these businesses could have potential discrepancies with Social Security numbers.

### Executive Order Mandates All Federal Contractors Will Use E-Verify

The amendments to the Act provide that governmental entities must ensure that contractors or subcontractors comply with the requirements of the Act. Government contractors must comply with the federal Employment Eligibility Verification Program ("E-Verify") and all federal immigration laws.

The federal government has now mandated private employer participation in the program. On June 6, 2008, President George W. Bush signed an amendment to Executive Order 12989 requiring federal contractors to use E-Verify to confirm the employment authorization of new hires and persons assigned to perform work on future federal contracts. The amendment to the Executive Order directs all federal departments and agencies to require contractors, as a condition of each future federal contract, to use E-Verify to verify the employment eligibility of:

- All persons hired during the contract term by the contractor to perform employment duties within the United States; and
- All persons assigned by the contractor to perform work within the United States on the federal contract.

Any final rule will not be effective until 30 days after its publication.

Arizona employers must understand their legal obligations and requirements with respect to the employment of alien workers. Jones, Skelton and Hochuli's Employment Law Practice Group will continue to keep you apprised of all future developments concerning the Legal Arizona Workers Act. Please feel free to contact Steven D. Leach [(602) 263-7350, sleach@jshfirm.com] or Barry H. Uhrman [(602) 263-7328, buhrman@jshfirm.com] with any questions you may have regarding this important development in Arizona employment law. ♦

## About The Authors



### **Steven D. Leach**

Mr. Leach joined the firm as a partner in 2005 and is the chair of the firm's Employment Law Practice Group. His practice is focused on defending employers on all manner of employment related disputes. In particular, for much of his near 20 years of practice, Mr. Leach has assisted employers with efforts to reduce or manage employment liability, and has defended employers on employment claims such as wrongful termination, sexual harassment, gender, race and disability discrimination, and civil rights violations in both Arizona and Federal Courts. Mr. Leach is committed to working with clients to manage employment risk to avoid exposure, or to be in the best position possible to succeed when litigation is inevitable. He recognizes that effective employer representation requires a team approach between client and counsel, and he strives to provide his clients with services that are both highly effective and efficient.

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### **Barry H. Uhrman**

Mr. Uhrman joined the firm in 2007 and concentrates his practice on employment law, complex litigation and governmental liability. He has successfully defended Title VII, ADA, ADEA and FMLA cases for Fortune 500 clients and public and private sector employers. Mr. Uhrman has extensive experience revising sexual harassment and other employment policies for employee handbooks. In addition, he has authored articles and seminar materials regarding leaves of absence under the ADA and FMLA.

Mr. Uhrman has also represented clients in other areas of employment law, with an emphasis on intellectual property and trade secrets. He has successfully defended multi-million dollar copyright infringement, defamation and trade secrets cases. Mr. Uhrman has also represented private sector employers in cases involving employment law torts, including interference with business advantage, violation of the right of publicity, and tortious interference with contractual relationships.

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