



The Law Offices of

Edstrom Bromm Lindahl & Freeman-Caddy

An Organization of Professional Corporations

TO: All Governmental Clients
FROM: Edstrom, Bromm, Lindahl & Freeman-Caddy
DATE: February, 2010
SUBJECT: Verification of Worker Eligibility Status

On April 8, 2009, Nebraska Governor Dave Heineman signed into law L.B. 403 which amended Neb.Rev.Stat. §§ 77-27,187, 77-5701, 77-5801, and 77-5901 which is codified in Neb.Rev.Stat. §§ 4-108 et. seq. These changes require all state agencies and political subdivisions of the State of Nebraska to: (1) require verification of lawful presence for purposes of public benefits; (2) require verification of work eligibility status for public employees; and (3) require verification of eligibility status under public contracts.

Public Employees. All political subdivisions and state agencies must register with, and use, the federal immigration verification system (“E-Verify”) to determine the work eligibility status of new employees hired on or after October 1, 2009, who will be performing services within the State of Nebraska. In order to register for the E-Verify program you can go to www.uscis.gov and type in “E-Verify” to start using the free web-based program.

Public Contracts. All contracts awarded by a state agency or political subdivision after October 1, 2009, must contain a provision requiring the public contractor to use the E-Verify Program or other equivalent federal program to determine the work eligibility status of new employees performing services within the State of Nebraska. If the contract is with an individual, then you will need to use the attached attestation form as provided by the Department of Administrative Services (“DAS”). Should the individual list on the attestation form that they are an alien, the agency must verify the individual’s lawful presence in the United States using the Systematic Alien Verification for Entitlements (“SAVE”) Program operated by the U.S. Department of Homeland Security. To access this program simply go to www.uscis.gov and type in “SAVE.”

We have also attached model contract language for your use in all contracts.

Public Benefits. Those individuals receiving public benefits from either a state agency or political subdivision in the State of Nebraska must complete the attached attestation form as provided by the DAS.

Please feel free to contact either our office or the DAS should you have any additional questions or concerns regarding this matter. The contact person for public benefits and contracts at the DAS is Laura Peterson at (402) 471-4436 while the contact person for public employees is Dovi Mueller at (402) 471-4465.

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