



STATE OF MISSISSIPPI
HALEY BARBOUR, GOVERNOR

DEPARTMENT OF FINANCE AND ADMINISTRATION

KEVIN J. UPCHURCH
EXECUTIVE DIRECTOR

TO: State Agency Executive Directors
State Agency Procurement Directors
State Agency Accounting Directors
State Agency Human Resource Directors

FROM: Cille Litchfield, Deputy Executive Director

DATE: April 30, 2010

SUBJECT: **Revised:** E-Verify Boilerplate Contract Language in Compliance with Mississippi Employment Protection Act (MEPA)

When entering new contracts or revising existing contracts for **Independent Contractors**, the following language for e-verify should be used from this point forward:

*"Contractor/Seller represents and warrants that it will ensure its compliance with the Mississippi Employment Protection Act, **Section 71-11-1, et seq of the Mississippi Code Annotated (Supp 2008)**, and will register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work within the State of Mississippi. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor/Seller agrees to maintain records of such compliance and, upon request of the State **and approval of the Social Security Administration or Department of Homeland Security, where required**, to provide a copy of each such verification to the State. Contractor/Seller further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. Contractor/Seller understands and agrees that any breach of these warranties may subject Contractor/Seller to the following: (a) termination of this Agreement and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to Contractor/Seller by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1) year, or (c) both. In the event of such termination/cancellation, Contractor/Seller would also be liable for any additional costs incurred by the State due to contract cancellation or loss of license or permit."*

The changes to the original language proposed in the memorandum dated July 2, 2008, are noted in bold, underlined text.

Contract Workers (CWs) are subject to MEPA in the same manner as "state employees". CWs are required to complete an I-9 and they will receive a form W-2 regarding their earnings. The e-verification of CWs is handled via agency HR directors at the time of employment. They are not required to self "e-verify" thus agencies are not required to include this language for e-verify in their contractual agreements.

If you have any questions about these changes, please contact me at (601) 359-1433 or by email at litchc@dfa.state.ms.us.

Pc: State Personnel Board, Personal Services Contract Review Board
Department of Finance and Administration, Legal
Department of Information Technology Services, Legal