

ALABAMA WORKFORCE INVESTMENT SYSTEM
Workforce Development Division
401 Adams Avenue
Post Office Box 5690
Montgomery, Alabama 36103-5690

February 16, 2012

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY2011-11

SUBJECT: Alabama Immigration Law Compliance Guidelines

1. **Purpose.** To provide immigration law compliance guidance for contracts, grants, and incentives awarded January 1, 2012 or later.

2. **Discussion.** In the memorandum released January 6, 2012, by the Department of Finance, Office of the State Comptroller, makes known the "...Act 2011-535, entitled the "Beason-Hammon Alabama Taxpayer and Citizen Protection Act" and... the Code of Alabama, 1975, as amended, ("the Act" or "the immigration law") imposes conditions on the award of State contracts, grants and incentives, which must be satisfied before payment can be made on those transactions."

3. **Action.** As stated, this Act will affect all State contracts, grants and incentives awarded on or after January 1, 2012. As such, additional documentation will be required for contracts and payments to be processed.

Prior to approval and payment, awards must be in compliance with the following §31-13-9(a) and (b), as required: (1) A copy of the affidavit required by §31-13-9(a) has been provided by the contractor, using the form prescribed by the Alabama Secretary of State, which is attached; and (2) A complete copy of the E-Verify Memorandum of Understanding (MOU) §31-13-9(b), which is generated when the business entity or employer enrolls in that program, bearing the number assigned to that MOU by Homeland Security. These two required documents are in addition to other documents required by the Office of the State Comptroller, including the forms prescribed by the Contract Review Permanent Legislative Oversight Committee if the contract is for professional or personal services.

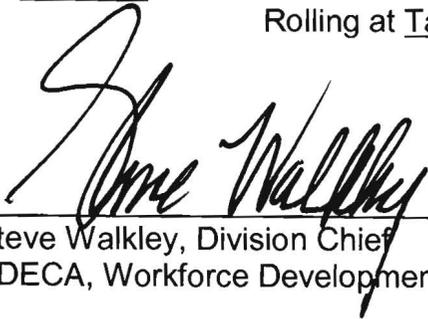
Intergovernmental Agreements are not subject to code section 31-13-9(a) and (b), as they are not awarded. These agreements are limited to agreements between departments, agencies, instrumentalities of the State, or other government entities.

Payments for goods and/or services not covered by a written contract or purchase order are typically purchases of less than \$500. As long as the transaction is not the result of a formal procurement process that results in an "award", §9(a) and (b) requirements do not apply. However, to this end, the payment voucher must include a certification statement by the agency.

Please ensure that the attached document is completed and the E-Verify MOU is provided with each agreement for which this Law applies.

4. Contact.

Questions regarding this information may be directed to Tammy Rolling at Tammy.Rolling@adeca.alabama.gov or (334) 242-5667.

A handwritten signature in black ink, appearing to read "Steve Walkley", is written over a horizontal line. The signature is cursive and somewhat stylized.

Steve Walkley, Division Chief
ADECA, Workforce Development Division

Attachments:

- Form for Section 9(a) and (b) Beason-Hammon Alabama Taxpayer and Citizen Protection Act; Code of Alabama, Sections 31-13-9(a) and (b) Affidavit for Business Entity/Employer/Contractor.

FORM FOR SECTIONS 9 (a) and (b) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTIONS 31-13-9 (a) and (b)

AFFIDAVIT FOR BUSINESS ENTITY/EMPLOYER/CONTRACTOR

(To be completed as a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees.)

State of _____

County of _____

Before me, a notary public, personally appeared _____ (print name) who, being duly sworn, says as follows:

As a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, I hereby attest that in my capacity as _____

_____ (state position) for _____

_____ (state business entity/employer/contractor name) that said business entity/employer/contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien.

I further attest that said business entity/employer/contractor is enrolled in the E-Verify program. (ATTACH DOCUMENTATION ESTABLISHING THAT BUSINESS ENTITY/EMPLOYER/CONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM.

Signature of Affiant

Sworn to and subscribed before me this _____ day of _____, _____.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

Signature and Seal of Notary Public