

Client Alert



A report for clients and
friends of the Firm

May 2009

Extension of Stay for E-Verify Regulation

The Department of Homeland Security ("DHS") agreed late Friday afternoon to further delay implementation of the rule requiring federal contractors and subcontractors to use DHS's E-Verify System. The E-Verify System is designed to check whether new hires are eligible to work in the U.S. Pursuant to an Executive Order that was to have become effective on January 15, 2009, the final rule would have required contractors to begin use of E-Verify for new hires and to reverify any current employees working on existing contracts. Implementation of the final rule has now been delayed until September 8, 2009.

The agreement to delay the rule was a result of the on-going litigation arising from the suit filed by Proskauer Rose LLP on December 23, 2008 on behalf of the U.S. Chamber of Commerce and four other associations. Proskauer's litigation team working on this matter includes Larry Lorber, David Grunblatt, Malcom Harkins III, and James Segroves. The lawsuit, captioned *Chamber of Commerce of the United States of America, et al. v. Chertoff, et al.*, is pending in the U.S. District Court for the District of Maryland. DHS and its co-defendants have asked the district court to extend the stay of litigation until August 16th.

We will continue to keep you posted as the litigation proceeds. In the meantime, if you have any questions on this or other government contracting issues, please contact your Proskauer relationship attorney, or any of the attorneys in Proskauer's Government Relations and Government Contract Compliance Practice Group.

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Proskauer's Government Relations and Government Contract Compliance Practice Group advises clients that are government contractors regarding their obligations under Executive Order 11246 (and similar state and local laws). Those obligations require contractors to establish affirmative action plans, to take active steps to combat discrimination in the workplace, and to recruit, retain and promote diverse individuals based on merit. If you have any questions about government contracting compliance, please contact one of the lawyers listed below:

Lawrence Z. Lorber
202.416.6891 – llorber@proskauer.com

Katharine H. Parker
212.969.3009 – kparker@proskauer.com

Leslie E. Silverman
202.416.5836 – lsilverman@proskauer.com

Amanda D. Haverstick
973.274.3252 – ahaverstick@proskauer.com

Meredith C. Bailey
202.416.6830 – mbailey@proskauer.com

Proskauer's corporate immigration practice counsels clients regarding employment verification procedures for foreign nationals and international personnel. This practice is headed by David Grunblatt.

David Grunblatt
973.274.6021 – dgrunblatt@proskauer.com

Proskauer Rose is an international law firm that handles a full spectrum of legal issues worldwide.

This publication is a service to our clients and friends. It is designed only to give general information on the developments actually covered. It is not intended to be a comprehensive summary of recent developments in the law, treat exhaustively the subjects covered, provide legal advice or render a legal opinion.

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