

# PUBLICATION

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## Tennessee Employers with 50 or More Employees Will Be Required to Use E-Verify Beginning January 1, 2017

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**Starting January 1, 2017, all Tennessee employers with 50 or more employees will be required to use the E-Verify system in order to verify the employment eligibility of workers hired on or after that date. Currently, employers with six or more employees must either use E-Verify or request and retain certain documents from each employee. For employers with 50 or more employees, the new law will eliminate the document retention option in favor of mandatory E-Verify use.**

As with similar laws in many states, the Tennessee law is not clear about which employers are covered by the requirement and the location of workers who trigger the E-Verify requirement. The definitions of "employer" and "employee" include no reference to the location of either. The state's web site on the law refers to "Tennessee employers" without defining that term, and says employees count "whether in Tennessee or outside of Tennessee."

This new requirement results from a 2016 amendment to the Tennessee Lawful Employment Act of 2011. To see the newly enacted bill, click [here](#). For Baker Donelson's alert about the original requirement when it was enacted in 2011, including a summary of penalty provisions still in effect, click [here](#).