

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 522**

**FISCAL  
NOTE**

By Senators Helton, Bartlett, Fuller, Rose, and Thorne

[Introduced January 20, 2026; referred  
to the Committee on Government Organization; and  
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §21-18-101, §21-18-102, §21-18-103, §21-18-104, §21-18-105, §21-18-106,  
3 §21-18-107, §21-18-108, §21-18-109, and §21-18-110, relating to creating the West  
4 Virginia Jobs Protection Act; mandating the use of the federal E-Verify system for  
5 employment eligibility verification by all employers in the state; requiring enrollment in and  
6 use of E-Verify for all new hires; establishing penalties for noncompliance; and setting an  
7 effective date of July 1, 2026.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 18. MANDATORY EMPLOYMENT ELIGIBILITY VERIFICATION.**

### **§21-18-101. West Virginia Jobs Protection Act; Purpose**

1 This article shall be known as "The West Virginia Jobs Protection Act." The purpose of this  
2 article is to ensure that all employers in West Virginia verify the employment eligibility of all  
3 employees using the federal E-Verify system, to prevent unauthorized employment, protect lawful  
4 jobs, and strengthen compliance with federal employment laws.

### **§21-18-102. Definitions.**

1 As used in this article:

2 "Employer" means any person or entity that employs one or more employees in West  
3 Virginia, including private persons and entities, public agencies, contractors, and subcontractors;

4 "Employee" means any individual hired to perform services for compensation;

5 "E-Verify" means the federal electronic employment verification system administered by  
6 the U.S. Department of Homeland Security in partnership with the Social Security Administration;  
7 and

8 "New Hire" means any individual hired after the effective date of this act.

### **§21-18-103. Mandatory E-Verify Enrollment and Use.**

1 (a) All employers in West Virginia, regardless of size, must register with and use E-Verify to  
2 confirm the employment eligibility of each new hire.

(b) Employers shall verify the employment eligibility of new hires through E-Verify within three business days of the employee's start date.

(c) Employers shall retain E-Verify verification records for at least three years or for the duration of employment, whichever is longer.

(d) Employers shall not knowingly continue to employ any individual whose E-Verify record indicates unauthorized employment.

**§21-18-104. Application to Independent Contractors.**

The employer's obligation to verify employment eligibility under E-Verify shall also apply to independent contractors and subcontractors as if they were employees.

**§21-18-105. Compliance Assistance and Training.**

(a) The West Virginia Division of Labor shall provide technical assistance, training resources, and guidance to employers to support compliance.

(b) Employers may request a grace period of up to 30 days if technical or registration issues impede compliance in good faith.

**§21-18-106. Penalties for Non-Compliance.**

(a) An employer that knowingly fails to comply is subject to:

(1) Civil fines of \$5,000–\$15,000 per unauthorized worker;

(2) Suspension or revocation of any business license; and

(3) Cancellation or suspension of eligibility for state contracts, grants, or incentives.

(b) Repeat or aggravated violations may result in permanent revocation of business license and enhanced civil penalties.

(c) Employers shall not retaliate against employees reporting violations.

**§21-18-107. Compliance Timeline.**

Employers must be fully enrolled in E-Verify and begin compliance no later than July 1, 2026.

**§21-18-108. Enforcement.**

1        (a) The West Virginia Division of Labor shall enforce this article and may inspect E-Verify  
2 records to ensure compliance.

3        (b) The Division shall report annually to the Legislature on:

4        (1) Number of employers registered and verified;

5        (2) Number of verifications processed;

6        (3) Number of violations and penalties assessed; and

7        (4) Compliance trends and enforcement actions taken.

**§21-18-109. Severability.**

1        If any provision of this article or its application is held invalid, the remainder of the article  
2 and its application to other persons or circumstances shall not be affected.

**§21-18-110. Effective Date.**

1        This act shall take effect July 1, 2026.

NOTE: The purpose of this bill is to create the "West Virginia Jobs Protection Act," to mandate the use of the federal E-Verify system for employment eligibility verification by all employers in the state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.