

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§21-18-107. Compliance Timeline.

1 Employers must be fully enrolled in E-Verify and begin compliance no later than July 1,
2 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.