

E-verify and the Wisconsin Dairy Industry

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“America’s Dairyland” boasts Wisconsin’s license plates. And truly, no part of the state’s diverse economy is as closely tied to its identity as the dairy business. But cheese is more than a mere symbol (or headwear). The state’s dairies drive a huge part of the economy, contributing \$26.5 billion per year—revenue which is then pumped back into the community and local businesses. However, owners of the state’s dairies are concerned by a national trend that would jeopardize their workforce.

It all starts with the industry’s largely-immigrant workforce. Historically, immigrants have played a large part in the state’s dairies. German and Scandinavian immigrants brought European-style cheeses that helped make Wisconsin the nation’s leading cheese producer by 1915. Today, the University of Wisconsin-Madison department of rural sociology found that immigrants make up 40% of dairy employees in the state.

But recent bills in other states have Wisconsin farmers worried. Several of the new laws require all employers to check the employment authorization of their workers against a federal database called E-Verify. A bill in Alabama, which made international news when it took effect in September, is only the most recent one to do so.

Currently, participation in E-Verify is optional in Wisconsin. The program works in tandem with the mandatory I-9 requirements. Under that system, new hires must present a hiring official with proof of identity and authorization to

work. Because employers may not knowingly hire anyone but US Citizens or authorized immigrants, E-verify was supposed to help compliance with the complicated twin tasks of verifying an employee’s identity and his or her authorization to work. Employers who enrolled in the program could match the documents and information provided by a new hire against the information in a vast government database.

Employers, though, have been reluctant to participate. The federal government first introduced a version of the program 1997 as a voluntary initiative. But a decade later, only 23,000 employers had enrolled nationwide. And employers had reason for concern. The extensive database, with hundreds of millions of entries, was plagued by errors. Some commentators suggested that the error rate may be between 4 and 8%.

Nevertheless, legislators at all levels of government have recently proposed laws which would require employers to enroll in E-Verify. When Alabama’s law took effect in September, it joined Mississippi, Arizona, and South Carolina as states which now require all employers to enroll in the program. At least ten more states place similar requirements on all state contractors.

Though no similar legislation is currently pending in Wisconsin, a bill introduced in June by Rep. Lamar Smith of Texas would replace the existing I-9 system with mandatory E-Verify requirements. The bill would require that all employers enroll with E-Verify, and check all new hires against the database. The Legal Workforce Act lacks bipartisan support, but if passed it would dramatically affect Wisconsin’s economy. If Wisconsin is to continue to be “America’s Dairyland” it would be wise to remember the historic role immigrants have played in shaping that identity.

For more information about how E-verify could impact you or the state of Wisconsin, or for information on any other immigration matter, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

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