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Client Alert: Ohio Enacts Statewide E-Verify Mandate for Non-Residential Construction

On December 19, 2025, Ohio Governor Mike DeWine signed the E-Verify Workforce Integrity Act, mandating E-Verify participation for any non-residential construction company contracting within Ohio, subject to limited exceptions, effective **March 19, 2026**. The law applies to non-residential construction contractors regardless of size, including subcontractors and labor brokers, and covers the construction or renovation of any building, highway, bridge, utility, or related infrastructure, while expressly excluding industrialized units, manufactured homes, residential buildings, mobile homes, and certain agricultural structures.

Impacted employers must create an E-Verify case for all newly hired employees, with a narrow carve-out where a case was previously created and no further verification or reverification is required by federal law. Employers must retain records for three (3) years from hire or one (1) year from termination, whichever is later, and terminate individuals after a final nonconfirmation to avoid penalties. State contracting agencies will also be required to include compliance provisions in applicable agreements.

The Ohio law establishes an enforcement scheme administered by the Attorney General, who must investigate every formal complaint and may investigate anonymous complaints that include sufficient facts. Upon a finding of reasonable evidence, the Attorney General will issue a Notice of Violation that may impose monetary penalties and debarment from state contracts for at least two (2) years. Monetary penalties escalate based on the offense type and frequency, including fines for failure to create cases and for

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continued employment following a final nonconfirmation, and permanent license revocation may apply if a court finds knowing employment of an unauthorized individual following enforcement of a prior order. After any debarment period, employers must file a sworn affidavit confirming fines are paid and no further violations have occurred.

Employers should promptly assess whether they fall within the mandate, conduct internal E-Verify compliance checks, and review subcontractor arrangements to ensure awareness and compliance with contract language clarifying obligations and indemnification.

Continue to check back with us for updates on the status of this important foreign policy issue. For more information, please contact Maria del Carmen Ramos at or Haley Kole.