

Publications

Ohio Enacts New E-Verify Law for Nonresidential Construction Contractors Effective March 19, 2026

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Ohio Governor Mike DeWine signed the E-Verify Workforce Integrity Act into law, creating new compliance obligations for nonresidential construction contractors in Ohio. The law, which takes effect March 19, 2026, requires all nonresidential construction contractors who hire employees to perform work on nonresidential construction projects in Ohio to participate in the federal E-Verify program. Subcontractors and labor brokers are subject to the requirement as well. Covered projects include the construction or renovation of buildings, highways, bridges, utilities, and related infrastructure, but do not include industrialized units, manufactured homes, residential buildings, mobile homes, or structures incidental to agricultural land use.

Impacted employers must create an E-Verify case for each newly hired employee. The law also appears to require E-Verify use for current employees whose work authorization is subject to federal reverification, though this provision may conflict with federal E-Verify procedures. Employers are required to retain records for three years from the date of hire or one year from the date of termination, whichever is later, and must terminate any employee who receives a final nonconfirmation of work authorization through E-Verify. State contracting agencies will also be required to include E-Verify compliance provisions in their contracts with nonresidential construction contractors.

The Ohio Attorney General is responsible for investigating alleged violations, which may be initiated by formal or, in some cases, anonymous complaints. If a violation is found, the Attorney General will issue a Notice of Violation, which may include monetary penalties and debarment from state contracts. Penalties escalate with repeated offenses and can range from \$250 for a first offense to \$25,000 for continued employment after a final nonconfirmation. Employers have 10 calendar days from receipt of a Notice of Violation to request a hearing; failure to do so results in a final, enforceable order. The law also provides for permanent revocation of business licenses at the relevant location if an employer is found to have knowingly employed unauthorized workers.

Employers in the nonresidential construction sector should review their hiring and employment verification practices to ensure compliance with the new law before it takes effect. Vorys attorneys are closely tracking updates on the Ohio E-Verify Law and other changes to state and federal immigration compliance requirements. We will continue to provide updates as new information becomes available.