

Senate File 423 - Introduced

SENATE FILE _____
BY McKINLEY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring employers to verify employees' legal presence in
2 the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2571XS 82
5 ak/es/88

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1 1 Section 1. Section 84A.5, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. The division of labor services is responsible for the
1 4 administration of the laws of this state under chapters 88,
1 5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
1 6 and 94A, and sections 30.7 and 85.68. The executive head of
1 7 the division is the labor commissioner, appointed pursuant to
1 8 section 91.2.

1 9 Sec. 2. NEW SECTION. 91F.1 DEFINITIONS.

1 10 1. "Commissioner" means the labor commissioner of the
1 11 division of labor services of the department of workforce
1 12 development.

1 13 2. "Employee" means a natural person who is employed in
1 14 this state for wages paid on an hourly basis by an employer.

1 15 3. "Employer" means a person, as defined in section 4.1,
1 16 who in this state employs for wages a natural person. An
1 17 employer does not include a client, patient, customer, or
1 18 other person who obtains professional services from a licensed
1 19 person who provides the services on a fee service basis or as
1 20 an independent contractor.

1 21 Sec. 3. NEW SECTION. 91F.2 LEGAL RESIDENCY VERIFICATION.

1 22 1. An employer who enters into a contract to perform work
1 23 for the state or an agency of the state must verify the lawful
1 24 presence of its employees in the state.

1 25 a. An employer shall be required to show proof of United
1 26 States citizenship, documentation issued by the United States
1 27 government as proof of legal presence in the country, or other
1 28 acceptable form of identification as determined by the
1 29 commissioner by rule for each current employee physically
1 30 present in the state.

1 31 b. Employers shall use the federal basic pilot program,
1 32 which is administered by the department of homeland security's
1 33 United States citizenship and immigration services bureau and
1 34 the social security administration, to verify the legal
1 35 residency or work status of newly hired employees physically
2 1 present in the state. An employer shall be required to show
2 2 receipts from the federal program as proof of new employees'
2 3 legal residency or work status.

2 4 2. The requirements of this chapter shall be included with
2 5 every request for proposals that the state or an agency of the
2 6 state issues in order to give notice of the requirements to
2 7 employers and employees.

2 8 3. The commissioner shall adopt rules pursuant to chapter
2 9 17A to establish a reasonable schedule and process for
2 10 verification of legal residency under this chapter.

2 11 4. An employer who does not comply with this chapter or
2 12 the rules adopted pursuant to this chapter shall not be
2 13 awarded a contract to perform work for the state or an agency
2 14 of the state.

EXPLANATION

2 16 This bill requires employers who accept contracts from the
2 17 state or an agency of the state to verify the lawful presence
2 18 of its employees in the state.

2 19 The bill requires that employers provide proof of current
2 20 employees' United States citizenship, documentation issued by

2 21 the federal government of legal presence, or other acceptable
2 22 identification as determined by the labor commissioner. The
2 23 bill requires that employers use the federal basic pilot
2 24 program to verify the legal presence of newly hired employees,
2 25 and show a receipt from the program to verify an employee's
2 26 legal presence.
2 27 The bill requires that notice of these requirements be
2 28 included in every request for proposals that the state or an
2 29 agency of the state issues. The bill also states that the
2 30 commissioner shall adopt rules to establish a reasonable
2 31 schedule and process for verification by employers of the
2 32 legal residency of their employees.
2 33 The bill states that an employer who does not comply shall
2 34 not be awarded state contracts in the future.
2 35 LSB 2571XS 82
3 1 ak:rj/es/88