

SB 370 A STAFF MEASURE SUMMARY**Carrier:** Sen. Taylor**Senate Committee On Workforce**

Action Date: 04/02/19
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-0-1-0
Yeas: 4 - Golden, Knopp, Monnes Anderson, Taylor
Exc: 1 - Hansell
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Ellen Osoinach, LPRO Analyst
Meeting Dates: 2/19, 4/2

WHAT THE MEASURE DOES:

Requires employer to provide notice to employees containing specified information regarding upcoming federal inspection of documentation used by the employer to verify identity and employment eligibility of employees. Mandates employee notification occur within three business days of employer receipt of federal inspection notice. Requires employers to make reasonable attempts to individually distribute required notification to employees as well as post notice in an accessible and conspicuous location. Directs Commissioner of Bureau of Labor and Industries (BOLI) to generate standardized notice template for use by employers with specified information, including contact information for a raid resistance hotline currently in use in Oregon. Requires BOLI to translate notice template into top five Limited English Proficiency (LEP) languages spoken in Oregon.

ISSUES DISCUSSED:

- Potential for federal pre-emption based on California litigation regarding warrant requirement for searches
- History of federal inspections in Oregon
- Types of notice most likely to reach affected employees

EFFECT OF AMENDMENT:

Removes language authorizing employer to refuse to consent to agency request for entry into non-public areas unless federal agency obtains judicial search warrant. Specifies that BOLI notice template include contact information for a raid resistance hotline currently in use in Oregon.

BACKGROUND:

Immigration and Customs Enforcement (ICE), a federal agency established in 2003, implements the Immigration Reform and Control Act of 1986. That Act requires employers to verify the identity and employment eligibility of their employees using the Employment Eligibility Verification Form I-9. Employers are also required to maintain for inspection original I-9 forms. Any person or entity required to retain I-9 forms must be provided with at least three business days notice prior to an inspection of the forms by an officer of an authorized agency of the United States.

Senate Bill 370-A requires an employer to provide employees notice containing specified information of an inspection of I-9 forms or other employment records used by the employer to verify the identity and employment eligibility conducted by a federal agency within three business days of receiving the federal notice of inspection. Senate Bill 370-A requires the Commissioner of the Bureau of Labor and Industries to create a template for these purposes and make it available, as specified.