

SB 370 A STAFF MEASURE SUMMARY**Carrier:** Rep. Hernandez**House Committee On Business and Labor****Action Date:** 05/13/19**Action:** Do Pass the A-Eng bill.**Vote:** 7-2-2-0**Yeas:** 7 - Barker, Boles, Boshart Davis, Clem, Doherty, Evans, Fahey**Nays:** 2 - Barreto, Bonham**Exc:** 2 - Bynum, Holvey**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Jan Nordlund, LPRO Analyst**Meeting Dates:** 5/6, 5/13**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 five most commonly spoken non-English languages in Oregon. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Process to correct discrepancies in employment records
- Ways that measure can benefit employers
- Requirement for BOLI to create template in five languages
- Why some employers choose not to use E-Verify

EFFECT OF AMENDMENT:

No amendment.

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. If the inspection finds technical or procedural violations, the employer is given ten business days to make corrections.

Senate Bill 370-A requires an employer to notify employees that an inspection of I-9 forms or other employment records used by the employer to verify the identity and employment eligibility will be conducted by a federal agency. The notice must be provided within three business days of the employer 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.