

Senate Bill 370

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires employer to provide notice to employees of upcoming inspection by federal agency of employer's records regarding identity and employment eligibility of employees within 72 hours of employer's receipt of notice of inspection from agency.

Establishes requirements for posting notice and information that must be included in notice.

Requires Commissioner of Bureau of Labor and Industries to generate and make available on Bureau of Labor and Industries website template for employers to use to comply with notice requirements and provide consultation, technical assistance and training to employers.

Allows employer to refuse to consent to entry by federal agency absent judicial warrant.

Authorizes commissioner to adopt rules necessary to implement requirements of Act.

A BILL FOR AN ACT

1
2 Relating to federal inspections of records that employers use to verify the employment eligibility of
3 an employee.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) An employer shall, within 72 hours of receiving a notice of an inspection**
6 **from a federal agency compelling the employer to provide access to records of forms and any**
7 **other documentation used by the employer to verify the identity and employment eligibility**
8 **of the employees hired by the employer, notify the employer's employees of the upcoming**
9 **inspection.**

10 **(2) The employer shall notify employees of an upcoming inspection by posting a notice in**
11 **a conspicuous and accessible location, in English and in the language the employer typically**
12 **uses to communicate with the employees. The notice shall include:**

13 **(a) A copy of the federal agency's notice of inspection received by the employer;**

14 **(b) The date on which the employer received the notice of inspection from the federal**
15 **agency;**

16 **(c) The scope of the federal agency's inspection;**

17 **(d) Information describing the legal rights of an employee, regardless of an employee's**
18 **citizenship status;**

19 **(e) The employer's obligations with respect to providing information within the scope of**
20 **the federal agency's notice of inspection; and**

21 **(f) A list of community resources available to employees including, but not limited to:**

22 **(A) A list of legal aid service providers; and**

23 **(B) Community organizations that provide advocacy for immigrant and refugee workers.**

24 **(3) The Commissioner of the Bureau of Labor and Industries shall:**

25 **(a) Generate and make available on the Bureau of Labor and Industries website a tem-**
26 **plate for a notice that employers may use to comply with the requirements of subsection (2)**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of this section.

2 (b) Provide consultation, technical assistance and training to employers in such a manner
3 as the commissioner considers appropriate.

4 (4) An employer may refuse to consent to the entry of a federal agency into any non-
5 public areas of the employer's place of business unless the federal agency presents a judicial
6 search warrant to the employer.

7 (5) The commissioner may adopt rules for implementing the requirements of this section,
8 including but not limited to rules that:

9 (a) Specify which legal rights must be included in an employer's notice under subsection
10 (2) of this section;

11 (b) Establish guidelines that employers may use to prepare employees for interactions
12 with agents or law enforcement officers during an inspection described in subsection (1) of
13 this section; and

14 (c) Provide instruction to employers regarding an employer's right to consent or to re-
15 fuse to consent to the federal agency's inspection.

16 (6) As used in this section, "employee" and "employer" have the meanings given those
17 terms in ORS 652.210.

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