SENATE DOCKET, NO. 1565 FILED ON: 1/18/2013

SENATE . . . . . No. 1542

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to a worker documentation certification program..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Geoff Diehl	*7th Plymouth*
Michael R. Knapik	*Second Hampden and Hampshire*

SENATE DOCKET, NO. 1565 FILED ON: 1/18/2013

SENATE . . . . . No. 1542

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1542) of Bruce E. Tarr, Richard J. Ross, Geoff Diehl and Michael R. Knapik for legislation relative to a worker documentation certification program. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1622* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to a worker documentation certification program..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws, as appearing in the 2010 Official Edition, are hereby amended by inserting after chapter 30B the following new chapter:-

"Chapter 30C. PUBLIC CONTRACT INTEGRITY

Section 1. For the purposes of this chapter, the following words shall have the following meanings:

"public employer", any department, agency, or public instrumentality of the commonwealth and any person, corporation, partnership, sole proprietorship, joint venture, or other business entity providing goods or services to any department, agency or public instrumentality of the commonwealth, including but not limited to the Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Massachusetts Port Authority, and the Massachusetts Bay Transportation Authority.

"worker documentation certification program", the electronic verification of work authorization program operated by the United States Department of Homeland Security or any equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency, or any private verification system authorized by the director of the department of

17 labor to verify information of newly hired employees, pursuant to the Immigration Reform and
18 Control Act of 1986 (IRCA) and its progeny.

19 Section 2. No public employer shall enter into a contract for the provision of goods or
20 services within the commonwealth unless the contractor registers and participates in a worker
21 documentation certification program to verify information of all new employees and certifies to
22 that effect in writing to the director of the department of labor.

23 Section 3. No contractor or subcontractor who enters a contract with a public employer
24 shall enter into such a contract or subcontract in connection with the provision of goods or
25 services in the commonwealth unless the contractor or subcontractor registers and participates in
26 a worker documentation certification program to verify information of all employees and
27 certifies to that effect in writing to the director of the department of labor.

28 Section 4. Sections 2 and 3 of this chapter shall apply as follows:

29 (A) On or after September 1, 2011, with respect to public employers, contractors, or
30 subcontractors of 500 or more employees;

31 (B) On or after September 1, 2012, with respect to public employers, contractors, or
32 subcontractors of 100 or more employees; and

33 (C) On or after September 1, 2013, with respect to all public employers, contractors, or
34 subcontractors.

35 Section 5. The provisions of this chapter shall be enforced without regard to race,
36 religion, gender, ethnicity, or national origin.

37 Section 6. Except as provided in section 4 of this chapter, the director of the department
38 of labor shall prescribe forms and promulgate rules and regulations deemed necessary in order to
39 administer and effectuate the provisions of this chapter.

40 Section 7. The Inspector General shall develop and promulgate regulations for the
41 purpose of ensuring that any person receiving funds pursuant to a contract awarded subject to the
42 provisions of chapter 30B and section 44A of chapter 149 of the general laws is in compliance
43 with federal laws pertaining to immigration and citizenship, including but not limited to 42
44 U.S.C. 1436(a). Such regulations shall include but not be limited to the ascertaining and
45 verification of immigration and/or citizenship status through a work authorization program
46 maintained by the United States Department of Homeland Security or its substantial equivalent.

47 Section 8. No contract shall be awarded by or to a public employer, and no public funds
48 shall be expended in accordance with such a contract, unless the public employer named in the
49 contract complies with the regulations prescribed in this chapter.

50 Section 9. No funds shall be expended in accordance with a contract awarded by or to a
51 public employer which will result in the payment of any kind to a person not in compliance with
52 any and all federal laws pertaining to immigration and citizenship, including but not limited to 42
53 U.S.C. 1436(a)."

54 Section 10. The auditor is hereby authorized to conduct random audits to ensure
55 compliance with the provisions of this chapter.

56 Section 11. The attorney general shall make available to the residents of the
57 Commonwealth a 24-hour toll-free hotline which may be used for reporting any suspected
58 violations of section 19C of chapter 149, or of 8 U.S.C. 1324a(h)(2), relative to the unlawful
59 employment of unauthorized aliens. Calls to the hotline shall be treated confidentially, and
60 callers shall have the option of reporting any violations anonymously. All complaints, whether
61 received through the hotline, in writing, electronically, or in any other form, shall be recorded
62 and documented by the attorney general and immediately referred to the attorney general of the
63 United States, pursuant to the provisions of 8 U.S.C. 1324a(h)(2). The attorney general shall
64 annually prepare a year-end report detailing all reported violations of section 19C of this chapter
65 and of 8 U.S.C. 1324a(h)(2), the nature of said violations, the date on which each complaint was
66 received, documented and forwarded to the attorney general of the United States, and any
67 enforcement action taken against an employer who knowingly employs illegal aliens in the
68 Commonwealth. Said report shall be submitted to the House and Senate Committees on Ways
69 and Means and to the Joint Committee on Labor and Workforce Development on or before
70 February 1 of each year.

71 Section 12. Paragraph (c)subsection 1 of section 29F of chapter 29 of the General Laws,
72 as appearing in the 2010 official edition is hereby amended by inserting at the end thereof the
73 following: -

74 (xi) procurement in violation of the provisions of chapter 30C;

75 Section 13. Any employer that registers and participates in the worker documentation
76 certification program, as prescribed within this act, shall be deemed to be in satisfaction of the
77 provisions of this act notwithstanding any fraudulent action subsequent by an employee who
78 provides a false identification document for the purpose of soliciting, securing or maintaining
79 employment.