

# SENATE . . . . . No. 1015

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Bruce E. Tarr***

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*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 adoption of the accompanying bill:

An Act relative to a worker documentation certification program.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>

# SENATE . . . . . No. 1015

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1015) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund, Donald F. Humason, Jr. and others for legislation relative to a worker documentation certification program. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1542 OF 2013-2014.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

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:*

1           SECTION 1. The General Laws, as appearing in the 2014 Official Edition, are hereby  
2 amended by inserting after chapter 30B the following new chapter:-

3           “Chapter 30C. PUBLIC CONTRACT INTEGRITY

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

6           “public employer”, any department, agency, or public instrumentality of the  
7 commonwealth and any person, corporation, partnership, sole proprietorship, joint venture, or  
8 other business entity providing goods or services to any department, agency or public  
9 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  
labor to verify information of newly hired employees, pursuant to the Immigration Reform and  
Control Act of 1986 (IRCA) and its progeny.

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

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

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

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

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

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

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

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

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

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

Section 9. No funds shall be expended in accordance with a contract awarded by or to a public employer which will result in the payment of any kind to a person not in compliance with

any and all federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a).”

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

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

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

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

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