

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei

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 bill:

An Act worker documentation certification program.

PETITION OF:

NAME:

Richard R. Tisei

DISTRICT/ADDRESS:

Middlesex and Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01907 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT 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 2004 official edition, are hereby amended by
2 inserting after chapter 30B the following:-

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

12 “worker documentation certification program”, the electronic verification of work authorization
13 program operated by the United States Department of Homeland Security or any equivalent work
14 authorization program operated by the United States Department of Homeland Security, the
15 United States Department of Labor, the Social Security Administration, other federal agency, or
16 any private verification system authorized by the director of the department of labor to verify
17 information of newly hired employees, pursuant to the Immigration Reform and Control Act of
18 1986 (IRCA) and its progeny.

19 Section 2. No public employer shall enter into a contract for the provision of goods or services
20 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 shall
24 enter into such a contract or subcontract in connection with the provision of goods or services in
25 the commonwealth unless the contractor or subcontractor registers and participates in a worker
26 documentation certification program to verify information of all employees and certifies to that
27 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, 2007, with respect to public employers, contractors, or
30 subcontractors of 500 or more employees;

31 (B) On or after September 1, 2008, with respect to public employers, contractors, or
32 subcontractors of 100 or more employees; and

33 (C) On or after September 1, 2009, 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, religion,
36 gender, ethnicity, or national origin.

37 Section 6. Except as provided in section 4 of this chapter, the director of the department of labor
38 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 purpose of
41 ensuring that any person receiving funds pursuant to a contract awarded subject to the provisions
42 of chapter 30B and section 44A of chapter 149 of the general laws is in compliance with federal
43 laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a).
44 Such regulations shall include but not be limited to the ascertaining and verification of
45 immigration and/or citizenship status through a work authorization program maintained by the
46 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 shall be
48 expended in accordance with such a contract, unless the public employer named in the contract
49 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 public
51 employer which will result in the payment of any kind to a person not in compliance with any
52 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 compliance with
55 the provisions of this chapter.

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

71 Section 12. Paragraph (c) of section 29F of chapter 29 of the General Laws, as appearing in the
72 2004 official edition by inserting at the end thereof the following: -

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

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

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