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HOUSE BILL 1272

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Chandler and Condotta

Read first time 01/18/11. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to requiring the employment security department to  
2 verify that workers referred to employers are authorized to work in the  
3 United States; adding a new section to chapter 50.12 RCW; and creating  
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that federal law  
7 prohibits the hiring or continued employment of workers whom employers  
8 know are unauthorized to work in the United States. Employers are  
9 required to verify that new workers are authorized to work in the  
10 United States by completing employment eligibility verification forms.  
11 Employers who hire workers who were referred for employment by certain  
12 state employment agencies are deemed to have complied with federal law  
13 if they retain appropriate documentation of the referral, and that  
14 documentation certifies that the agencies verified that the workers are  
15 authorized to work in the United States. Employers who hire workers  
16 knowing that they are not authorized to work in the United States face  
17 civil and criminal penalties. These requirements protect jobs for  
18 authorized United States workers, improve the accuracy of wage and tax  
19 reporting, and help United States employers maintain a legal workforce.

1 (2) The legislature also finds that the employment security  
2 department, through the worksource centers, screens and refers workers  
3 to employers. These screening and referral services expedite the  
4 reemployment of unemployed workers and the filling of employer  
5 vacancies, and thereby contribute to the overall health of the state  
6 economy. If the employment security department fails to verify that  
7 referred workers are authorized to work in the United States,  
8 unauthorized workers may be referred to employers and employers may be  
9 exposed to substantial legal risks.

10 (3) The legislature intends to require the employment security  
11 department to verify that referred workers are authorized to work in  
12 the United States, and provide appropriate documentation to referred  
13 workers and employers. These requirements will help reinforce the  
14 objectives of federal law and improve the services provided by the  
15 employment security department. They will also help build employers'  
16 confidence in the employment security department and worker referral  
17 programs.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.12 RCW  
19 to read as follows:

20 (1) The employment security department shall refer for employment  
21 only those individuals whom it has verified are United States workers.  
22 When verifying the status of those individuals, the department shall  
23 comply with the procedures specified in section 274A(b) of the  
24 immigration and nationality act (8 U.S.C. Sec. 1324a(b)). The  
25 department shall also provide referred workers and employers with  
26 appropriate documentation of the referral, which certifies that the  
27 department has complied with the procedures specified in section  
28 274A(b) of the immigration and nationality act (8 U.S.C. Sec.  
29 1324a(b)).

30 (2) For the purpose of this section, "United States worker" means  
31 a worker who is legally authorized to work in the United States.

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