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LEGISLATIVE ACTION ALERT

PROTECTING UNION JOBS IN PA



PRESS RELEASE: Pennsylvania State Building and Construction Trades Council

HARRISBURG (Sept. 26, 2019) The state Senate worked efficiently and expeditiously to advance several bills, including three that are headed to Gov. Tom Wolf's desk for his consideration. One of the bills on its way to the Governor, [House Bill 1170](#), seeks to prevent the construction industry from knowingly hiring undocumented workers by requiring employers in the construction industry to use the E-Verify program to ensure that their employees are authorized to work in the United States.

The legislation, which was approved on a 46-3 vote by the Senate (following a 170-28 vote in June by the House), requires an employer (or staffing agency that supplies workers for the construction industry) to verify an employee's eligibility through the E-Verify system and keep a record for the duration of the employment or three years, whichever is longer. In cases where it's suspected an employee isn't authorized to be employed, complaints can be filed with the state Department of Labor and Industry, which would have the authority to investigate and determine the employee's eligibility. If it's determined an employee is ineligible, the employer would have time to correct/terminate the unauthorized worker and verify that they have done so with the department. If the employer fails to verify the correction, the department would then refer the case to the state Attorney General to bring action against the employer in the county in which the unauthorized employee is or was employed.

Under HB1170, an offending employer would be put on a three-year probationary period for each business location where an unauthorized employee worked. Additionally, such an employer would have to submit quarterly reports about each new employee hired. Government agencies would suspend each license an employer holds if the employer does not submit verification that they have terminated the employment of the unauthorized employee within three days. The legislation also provides safeguards for discrimination or retaliation by employers, and relief to employees who are successful in defending the discrimination or retaliation claims.

The chamber, on a 7-42 vote, defeated an attempt to alter the bill by Sen. Katie Muth, D-Montgomery, who offered an amendment (similar to one offered in the House - Amendment A1880 - and defeated on an 89-107 vote) to insert language she said would protect individuals in this country under the Deferred Action for Childhood Arrivals (DACA) federal policy. The U.S. Department of Homeland Security defined DACA as "a non-congressionally authorized administrative program that permitted certain individuals who came to the United States as juveniles and meet several criteria—including lacking any current lawful immigration status—to request consideration of deferred action for a period of two years, subject to renewal, and eligibility for work authorization."

Arguing against the bill, state Sen. Tim Kearney, D-Delaware, said, "We are in the midst of an era of heightened racism, hate crimes and xenophobia. This bill encourages a see something-say something approach that is inherently based on ethnic discrimination." "This bill will actually apply to everyone - all new hires in construction, not just those of minority status," countered Sen. Camera Bartolotta, R-Washington, during floor debate on HB1170. "This is to protect those employers and the employees; this is not a racially- based or motivated piece of legislation. It simply enforces the federal law in place ... this will help, tremendously, all of our building trades friends across the commonwealth."

