

LC003456

## IN GENERAL ASSEMBLY

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## RELATING TO LABOR AND LABOR RELATIONS -- E-VERIFY COMPLIANCE

Referred To: Senate Labor & Gaming

1           SECTION 1. Legislative findings.

2           The general assembly hereby finds and determines that:

3           (1) Ensuring that Rhode Island employers employ persons eligible to work within Rhode  
4   Island is an issue of statewide concern.

5           (2) It is in the best interest of the employers in Rhode Island for all employers to follow  
6   federal law as it applies to the hiring of persons who are authorized to work in the United States.

7           (3) Employers who violate the federal employment laws with respect to the hiring of  
8   persons who are unauthorized to work in the United States, place an undue economic burden on  
9   employers who attempt to hire only persons who are authorized to work in the United States.

10          (4) The general assembly further finds and determines that it is in the best interest of the  
11   state for all employers to verify the employment authorization of newly hired employees and that  
12   it is important that every employer in the State of Rhode Island apply for participation in the federal  
13   electronic employment authorization verification program, known as E-Verify, or any successor  
14   program for the purpose of verifying the work eligibility status of newly hired employees.

17 CHAPTER 6.15

18 E-VERIFY COMPLIANCE

19                    **28-6.15-1. Short title.**

1        This chapter shall be known and may be cited as the "E-Verify Compliance Act".

2        **28-6.15-2. Definitions.**

3        As used in this chapter:

4        (1) "Employee" means any individual for whom an employer is required to file a form W-  
5        2 wage and tax statement with the federal internal revenue service.

6        (2) "Employer" means a person or business entity transacting business in Rhode Island  
7        who, at any time, employs three (3) or more persons to perform services of any nature and who has  
8        control of the payment of wages for such services or is the officer, agent, or employee of the person  
9        having control of the payment of wages; except that "employer" does not include the federal  
10       government, another state, or a political subdivision of Rhode Island or another state.

11       (3) "Program" means the federal electronic employment authorization verification  
12       program, known as E-Verify, or any successor program, created pursuant to 8 U.S.C. §. 1324(a),  
13       as expanded to include all fifty (50) states in the "Basic Pilot Program Extension and Expansion  
14       Act of 2003", Pub. L. No. 108-156.

15       **28-6.15-3. Participation in the program.**

16       (a) Each employer in Rhode Island shall apply to participate in the program for the purpose  
17       of verifying the work eligibility status of each of the employer's newly hired employees by the  
18       following dates:

19       (1) An employer with two hundred (200) or more employees shall apply to participate in  
20       the program no later than January 1, 2027;

21       (2) An employer with at least fifty (50) employees but fewer than two hundred (200)  
22       employees shall apply to participate in the program no later than July 1, 2027; and

23       (3) An employer with fewer than fifty (50) employees shall apply to participate in the  
24       program no later than January 1, 2028.

25       (b) An employer shall submit an application to participate in the program no less frequently  
26       than every sixty (60) days until the employer is accepted into the program. An employer that is  
27       accepted into the program shall agree to participate in the program. An employer shall retain records  
28       for audit purposes that show that the employer has applied to the program and, following  
29       acceptance, show that the employer is an active participant in the program.

30       (c) All employers subject to the provisions of this section shall notify the department of  
31       labor and training that the employer has complied with the provisions of this chapter, within seven  
32       (7) business days of making the application pursuant to subsection (a) of this section and within  
33       seven (7) business days of being accepted into the program pursuant to subsection (b) of this  
34       section. The department shall prepare and provide forms for such notification. The notification

1 form provided shall:

2 (1) Require the employer to provide the E-Verify company identification number issued to

3 the employer upon registration; and

4 (2) Be sworn and subscribed to under penalties of perjury by a representative of the

5 employer. The signing and provision of any such notification, which the person knows contains

6 any statement which is false or erroneous, or defective in any important particular, and which, to

7 their knowledge, is intended to mislead the department, shall have committed the offense of giving

8 a false document, pursuant to § 11-18-1.

9 (d) The department of labor and training shall provide a list of all employers who fail to

10 comply with the provisions of this section or who fail to notify the department of labor and training

11 of their compliance to the Investigations Division of the U.S. Bureau of Immigration and Customs

12 Enforcement.

13 (e) The department of labor and training, with the cooperation of the secretary of state,

14 shall put a mechanism in place to notify each employer of the requirements of this section and how

15 to comply and shall make the information available on the department's website.

16 (f) An employer shall immediately terminate the employment of an employee upon receipt

17 of a final notice from the Department of Homeland Security of nonconfirmation of work eligibility

18 concerning such employee and after any applicable contest periods stipulated by federal law and/or

19 regulation have run.

20 (g) An employer who, in good faith relies on the program to verify the employment

21 eligibility of its employees, shall be exempt from liability, or suit arising from any action under this

22 section; provided, however, that nothing contained herein shall be construed to limit remedies or

23 relieve obligations and/or penalties under state anti-discrimination laws.

24 **28-6.15-4. Severability clause.**

25 If any provision of this chapter or the application of a provision, shall for any reason be

26 judged invalid, that judgment shall not affect, impair, or invalidate the remainder of the chapter,

27 but shall be confined in its effect to the provisions or application directly involved in the

28 controversy giving rise to the judgment.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS -- E-VERIFY COMPLIANCE

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- 1           This act would establish the E-Verify compliance program which would require all non-  
2   governmental employers within the state with three (3) or more employees to apply to participate  
3   in the federal E-Verify program and to agree to participate in the program, if accepted.  
4           This act would take effect upon passage.

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