



City of Murrieta City Council Policy

POLICY: UTILIZATION OF A FEDERAL WORKER ELIGIBILITY PROGRAM

POLICY NO.: 100-12

DATE: December 6, 2011

PURPOSE

To encourage the business community located in the City of Murrieta, contractors that are awarded agreements directly with the City, and those organizations that derive revenues from business within the community, hereafter referred to as 'business community' in general, to utilize a federal worker eligibility verification program such as E-Verify or a successor program.

The Murrieta City Council further states that the State of California unconstitutionally usurped local control through the passage of California Assembly Bill 1236 (2011), and additionally urges the federal government to provide leadership on this issue, and requests that Congress, the President, and the various governmental agencies work together to pass much needed immigration reform that will allow our nation to progress while providing a true pathway for legal immigration.

POLICY

It is the policy of the City of Murrieta that all business license applications for a business employing an employee are encouraged to utilize a federal worker eligibility program to quickly verify the employment authorization of all new employees. It should be reiterated that the City voluntarily uses the E-Verify program and believes that it is an efficient system for ensuring compliance with the federal law requiring verification of an employee's right to work.

I. Existing federal law:

- a. Under existing law, it is illegal for a person or other entity to knowingly hire, recruit or refer for employment an unauthorized individual or any individual without complying with specified employment verification procedures
- b. Among other things, the law requires employers to verify that every new hire is either a U.S. citizen or authorized to work in the United States
- c. Requires that all employers have new employees complete form I-9, Employment Eligibility Verification, upon hire
- d. Requires new employees, within three days of being hired, to show their employers documentation establishing identity and eligibility to work in the United States
- e. To comply with federal requirements, the employer has to certify on the I-9 form that the documents presented by the employee reasonably appear to be genuine on their face, and the employer must retain such information in

its files for three years after employee's date of hire, or one year after the date the worker's employment is terminate, whichever is later

II. E-Verify

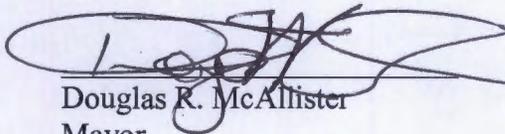
- a. In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which required the Social Security Administration (SSA) and the Immigration and Naturalization Service (INS), now the U.S. Citizenship and Immigration Service (USCIS), to initiate employment verification pilot programs
 - i. The pilot program led to the E-Verify process
- b. E-verify is an Internet-based, voluntary, free program managed and maintained by the United States Department of Homeland Security (DHS) in partnership with the Social Security Administration

PROCEDURES

- I. It is encouraged that the business community adopt voluntary policies that utilize a federal worker verification process, such as E-Verify or a successor program
 - a. It shall be the responsibility of each business license holder to maintain appropriate records demonstrating the use of the verification system
- II. Violations and Penalties: None
- III. Investigation
 - a. Upon a complaint or allegation to the City that a business license holder may be hiring undocumented workers, the City will turn over such information to the USCIS
 - b. No follow-up shall be necessary, as federal jurisdiction on immigration issues has been established

HISTORY

Adopted December 6, 2011



Douglas R. McAllister
Mayor