

SENATE NO. 1907

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. SECTION 1. The general laws, as appearing in the 2004 official edition, are hereby
2 amended by 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 meanings:
5 “public employer”, any department, agency, or public instrumentality of the commonwealth and any
6 person, corporation, partnership, sole proprietorship, joint venture, or other business entity providing
7 goods or services to any department, agency or public instrumentality of the commonwealth, including
8 but not limited to the Massachusetts Turnpike Authority, Massachusetts Water Resources Authority,
9 Massachusetts Port Authority, and the Massachusetts Bay Transportation Authority.
10 “worker documentation certification program”, the electronic verification of work authorization
11 program operated by the United States Department of Homeland Security or any equivalent work
12 authorization program operated by the United States Department of Homeland Security, the United
13 States Department of Labor, the Social Security Administration, other federal agency, or any private
14 verification system authorized by the director of the department of labor to verify information of

15 newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA) and its
16 progeny.

17 Section 2. No public employer shall enter into a contract for the provision of goods or services within
18 the commonwealth unless the contractor registers and participates in a worker documentation
19 certification program to verify information of all new employees and certifies to that effect in writing
20 to the director of the department of labor.

21 Section 3. No contractor or subcontractor who enters a contract with a public employer shall enter into
22 such a contract or subcontract in connection with the provision of goods or services in the
23 commonwealth unless the contractor or subcontractor registers and participates in a worker
24 documentation certification program to verify information of all employees and certifies to that effect
25 in writing to the director of the department of labor.

26 Section 4. Sections 2 and 3 of this chapter shall apply as follows:

27 (A) On or after September 1, 2007, with respect to public employers, contractors, or subcontractors of
28 500 or more employees;

29 (B) On or after September 1, 2008, with respect to public employers, contractors, or subcontractors of
30 100 or more employees; and

31 (C) On or after September 1, 2009, with respect to all public employers, contractors, or subcontractors.

32 Section 5. The provisions of this chapter shall be enforced without regard to race, religion, gender,
33 ethnicity, or national origin.

34 Section 6. Except as provided in section 4 of this chapter, the director of the department of labor shall
35 prescribe forms and promulgate rules and regulations deemed necessary in order to administer and
36 effectuate the provisions of this chapter.

37 Section 7. The Inspector General shall develop and promulgate regulations for the purpose of ensuring
38 that any person receiving funds pursuant to a contract awarded subject to the provisions of chapter 30B
39 and section 44A of chapter 149 of the general laws is in compliance with federal laws pertaining to
40 immigration and citizenship, including but not limited to 42 U.S.C. 1436(a). Such regulations shall
41 include but not be limited to the ascertaining and verification of immigration and/or citizenship status
42 through a work authorization program maintained by the United States Department of Homeland
43 Security or its substantial equivalent.

44 Section 8. No contract shall be awarded by or to a public employer, and no public funds shall be
45 expended in accordance with such a contract, unless the public employer named in the contract
46 complies with the regulations prescribed in this chapter.

47 Section 9. No funds shall be expended in accordance with a contract awarded by or to a public
48 employer which will result in the payment of any kind to a person not in compliance with any and all
49 federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C.
50 1436(a).”

51 Section 10. The auditor is hereby authorized to conduct random audits to ensure compliance with the
52 provisions of this chapter.

53 Section 11. The attorney general shall make available to the residents of the Commonwealth a 24-
54 hour toll-free hotline which may be used for reporting any suspected violations of section 19C of
55 chapter 149, or of 8 U.S.C. 1324a(h)(2), relative to the unlawful employment of unauthorized aliens.
56 Calls to the hotline shall be treated confidentially, and callers shall have the option of reporting any
57 violations anonymously. All complaints, whether received through the hotline, in writing,
58 electronically, or in any other form, shall be recorded and documented by the attorney general and
59 immediately referred to the attorney general of the United States, pursuant to the provisions of 8

60 U.S.C. 1324a(h)(2). The attorney general shall annually prepare a year-end report detailing all
61 reported violations of section 19C of this chapter and of 8 U.S.C. 1324a(h)(2), the nature of said
62 violations, the date on which each complaint was received, documented and forwarded to the attorney
63 general of the United States, and any enforcement action taken against an employer who knowingly
64 employs illegal aliens in the Commonwealth. Said report shall be submitted to the House and Senate
65 Committees on Ways and Means and to the Joint Committee on Labor and Workforce Development
66 on or before February 1 of each year.

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

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

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