

AMENDMENTS TO HOUSE BILL NO. 1170

Sponsor: REPRESENTATIVE DELLOSO

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1 Amend Bill, page 3, line 20, by inserting after "longer."

2 Within 30 days of the end of the calendar quarter, an
3 employer shall certify to the department that the employer has
4 utilized the E-Verify program as required by this act for all
5 employees hired during the last completed calendar quarter.

6 (c) Verification form.--The statement under subsection (b)
7 shall be on a form prescribed by the department and shall comply
8 with the following additional requirements:

9 (1) The statement shall include a certification that the
10 information in the statement is true and correct and that the
11 willful submission of false or misleading information in
12 connection with the verification shall be subject to
13 punishment under 18 Pa.C.S. § 4904 (relating to unsworn
14 falsifications to authorities).

15 (2) The statement shall be signed by a representative of
16 the employer who has sufficient knowledge and authority to
17 make the representations and certifications contained in the
18 statement.

19 Amend Bill, page 3, line 21, by striking out "(C)" and
20 inserting

21 (d)

22 Amend Bill, page 4, lines 23 through 30; page 5, lines 1
23 through 30; page 6, lines 1 through 12; by striking out all of
24 lines 23 through 30 on page 4, all of lines 1 through 30 on page
25 5, all of lines 1 through 11 and "~~(i)~~ (J)" in line 12 on page 6
26 and inserting

27 (g)

28 Amend Bill, page 6, line 16, by striking out "(K)" and
29 inserting

30 (h)

1 Amend Bill, page 6, lines 26 through 30; page 7, lines 1
2 through 30; page 8, lines 1 through 25; by striking out all of
3 said lines on said pages and inserting

4 Section 5. Penalties.

5 (a) Violations.--The following shall apply to a violation
6 under section 3(a):

7 (1) For a first violation, the department shall issue a
8 warning letter detailing the violation and informing the
9 construction industry employer of the provisions of this act.
10 The following shall apply:

11 (i) The department may not issue or post a warning
12 letter if the employer demonstrates that the employment
13 eligibility of the unauthorized employee was verified in
14 good faith through the E-Verify program in accordance
15 with section 3(b).

16 (ii) After the issuance of a warning letter, the
17 employer shall verify in writing to the department within
18 10 business days that the employer has terminated the
19 employment of each unauthorized employee in this
20 Commonwealth. If the employer fails to provide such
21 verification, the violation shall constitute a second
22 violation.

23 (2) For a second or subsequent violation, the following
24 shall apply:

25 (i) The department shall post the letter detailing
26 the violation on the department's publicly accessible
27 Internet website.

28 (ii) The department may issue an order to stop work
29 on a worksite related to the investigation, which may
30 remain in place until the violation is corrected. Stop-
31 work orders may be enforced by the Attorney General upon
32 referral by the department. The following shall apply to
33 a stop-work order issued by the department under this
34 section:

35 (A) The order may require compliance with
36 conditions necessary to ensure that the employer
37 complies with this act.

38 (B) The order shall take effect when served upon
39 the employer by first class mail or posting at the
40 employer's worksite.

41 (C) The order shall remain in effect until
42 released by the department or a court of competent
43 jurisdiction.

44 (D) The order shall be effective against a
45 successor entity that:

46 (I) has one or more of the same principals
47 or officers as the employer against whom the
48 order was issued; and

1 (II) is engaged in construction.

2 (E) An order releasing a stop-work order may
3 include a requirement that the employer file with the
4 department periodic reports for a probationary period
5 that shall not exceed two years demonstrating the
6 employer's continued compliance with this act.

7 (3) Upon receiving a referral from the department, the
8 Attorney General shall bring an action against the employer
9 in Commonwealth Court. If the court finds that the employer
10 engaged in a willful violation, the court may order the
11 suspension or revocation of licenses granted to the employer
12 for a period of up to three years.

13 (4) Notwithstanding the provisions of paragraph (1), (2)
14 or (3), a violation by an employer that occurs 10 years or
15 more after a prior violation shall be deemed to be a first
16 violation.

17 (b) Civil penalty.--An employer that violates section 3(b)
18 shall be subject to a civil penalty of not less than \$250 and
19 not more than \$1,000 for each violation, to be imposed by the
20 department. Civil penalties may be enforced by the Attorney
21 General upon referral by the department.

22 (c) Notice and appeal.--Actions taken under this section
23 shall be subject to the notice, appeal and other provisions of 2
24 Pa.C.S. (relating to administrative law and procedure).