

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)

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

Section 5. Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

(II) is engaged in construction.

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

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

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

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

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