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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On June 1st, Rep. Charles Rangel (D-NY) introduced a bill (H.R. 2065), which would allow certain nonviolent criminal offenses to be expunged from individuals' criminal records if the offenders meet requirements such as performing community service and avoiding alcohol abuse. The "Second Chance" bill would allow the federal judges to order that the records be expunged on the basis of the recommendation of a U.S. Attorney.
(<http://www.gpo.gov/fdsys/pkg/BILLS-112hr2065ih/pdf/BILLS-112hr2065ih.pdf>)

E-Verify

- Yesterday, Rep. Lamar Smith (R-TX) introduced a bill (H.R. 2164), which would require all businesses within the U.S. to use the federal government's e-Verify system to check the employment eligibility of new employees. The bill proposed a tiered introduction of the requirement, applying first to businesses with over 10,000 employees being required to come into compliance within six months of the bill's enactment and allowing businesses with twenty or fewer employers two years to come into compliance. The bill would phase out the option for use of paper I-9 forms as a method of work authorization verification. The House Judiciary Subcommittee on Immigration Policy and Enforcement held a hearing to discuss the bill earlier today.
(<http://judiciary.house.gov/news/pdfs/Legal%20Workforce%20Act.pdf>)
- On May 31st, Rasmussen Reports released the results of a national poll that found that 82% of 1,000 likely voters support a hypothetical law that would require all businesses to use the E-Verify immigration verification system. The same poll found that 61% of respondents would favor state laws that would shut down businesses that "knowingly and repeatedly" hire workers not legally in the country. It also found that 63% of respondents feel that similar requirements to check immigration status should apply to landlords renting residences.
(http://www.rasmussenreports.com/public_content/politics/current_events/immigration/61_favor_a_state_law_that_would_shut_down_repeat_offenders_who_hire_illegal_immigrants)
- On May 31st, Rep. Kenny Marchant (R-TX) introduced a bill (H.R. 2064), which would allow employers to verify the work authorization of an individual at the time of application for employment, rather than when the individual receives an offer of employment.
(<http://www.gpo.gov/fdsys/pkg/BILLS-112hr2064ih/pdf/BILLS-112hr2064ih.pdf>)
- On May 25th, Rep. Heath Shuler (D-NC) introduced a bill (H.R. 2000), which would require all employers in the U.S. to use the federal government's E-Verify system. The tiered introduction would require all government agencies and contractors as well as businesses with over 250 employees in the U.S. to begin using the system within one year. Businesses with 100-249



employees would be given two years, those with 30-99 would be given three years, and all others would have four years for implementation. Existing employees, who had not previously been checked using the system, would also need to be checked.

(<http://www.gpo.gov/fdsys/pkg/BILLS-112hr2000ih/pdf/BILLS-112hr2000ih.pdf>)

News and State Legislation:

Background Checks

- On June 2nd, the New York Senate passed a bill (S. 5171), which would require all state bus drivers to pass a criminal history background check, as is currently required of school bus drivers. (<http://open.nysenate.gov/legislation/bill/S5171B-2011>)
- On May 24th, the Secaucus (NJ) Town Council passed an enhanced background check and licensing requirement for towing companies operating in Secaucus. Under the revised requirement, towing companies would be required to subject its owners and employees to heightened background check requirements. Town Administrator David Drumeler stated, “the law was revised to protect the safety and welfare of the motoring public.” (http://hudsonreporter.com/view/full_story/13585672/article-Tow-ing-the-line-Criminal-case-leads-to-stricter-background-checks-?instance=secondary_stories_left_column)

E-Verify

- On June 9th, Alabama enacted a comprehensive immigration bill (H.B. 56). Under the new law, undocumented workers are declared to be trespassers, and therefore subject to possible jail time if found within the state’s borders. Employers will be required to use E-Verify to check the employment eligibility of all applications. In addition, the law permits police officers to check for immigration status of any suspicious persons. Public schools also will have the ability to check the immigration status of incoming students. (<http://alisondb.legislature.state.al.us/acas/searchableinstruments/2011rs/bills/hb56.htm>)
- On June 8th, the North Carolina House passed a bill (H.B. 36) to require private businesses to use the federal government’s e-Verify system to check the work authorization of new employees. The House version of the bill has been subsequently amended by a Senate committee to apply only to public employers and their contractors. The bill is awaiting full Senate action. (<http://www.ncga.state.nc.us/Sessions/2011/Bills/House/PDF/H36v5.pdf>)
- On June 7th, Tennessee enacted a bill (H.B. 1378), which requires employers to demonstrate they are hiring and maintaining a legal workforce. Employers would be required to use the E-Verify system for new hires effective October 1, 2011. The bill also authorizes the State to hire an employee to assist employers that do not have Internet access conduct the required E-Verify checks. (<http://www.capitol.tn.gov/Bills/107/Bill/HB1378.pdf>)