

D R A F T

SUMMARY

Requires employer to provide notice to employees of upcoming inspection by federal agency of employer's records regarding identity and employment eligibility of employees within 72 hours of employer's receipt of notice of inspection from agency.

Establishes requirements for posting notice and information that must be included in notice.

Requires Commissioner of Bureau of Labor and Industries to generate and make available on Bureau of Labor and Industries website template for employers to use to comply with notice requirements and provide consultation, technical assistance and training to employers.

Allows employer to refuse to consent to entry by federal agency absent judicial warrant.

Authorizes commissioner to adopt rules necessary to implement requirements of Act.

A BILL FOR AN ACT

1
2 Relating to federal inspections of records that employers use to verify the
3 employment eligibility of an employee.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) An employer shall, within 72 hours of receiving a**
6 **notice of an inspection from a federal agency compelling the employer**
7 **to provide access to records of forms and any other documentation**
8 **used by the employer to verify the identity and employment eligibility**
9 **of the employees hired by the employer, notify the employer's em-**
10 **ployees of the upcoming inspection.**

11 **(2) The employer shall notify employees of an upcoming inspection**
12 **by posting a notice in a conspicuous and accessible location, in English**
13 **and in the language the employer typically uses to communicate with**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **the employees. The notice shall include:**

2 **(a) A copy of the federal agency's notice of inspection received by**
3 **the employer;**

4 **(b) The date on which the employer received the notice of in-**
5 **spection from the federal agency;**

6 **(c) The scope of the federal agency's inspection;**

7 **(d) Information describing the legal rights of an employee, regard-**
8 **less of an employee's citizenship status;**

9 **(e) The employer's obligations with respect to providing information**
10 **within the scope of the federal agency's notice of inspection; and**

11 **(f) A list of community resources available to employees including,**
12 **but not limited to:**

13 **(A) A list of legal aid service providers; and**

14 **(B) Community organizations that provide advocacy for immigrant**
15 **and refugee workers.**

16 **(3) The Commissioner of the Bureau of Labor and Industries shall:**

17 **(a) Generate and make available on the Bureau of Labor and In-**
18 **dustries website a template for a notice that employers may use to**
19 **comply with the requirements of subsection (2) of this section.**

20 **(b) Provide consultation, technical assistance and training to em-**
21 **ployers in such a manner as the commissioner considers appropriate.**

22 **(4) An employer may refuse to consent to the entry of a federal**
23 **agency into any nonpublic areas of the employer's place of business**
24 **unless the federal agency presents a judicial search warrant to the**
25 **employer.**

26 **(5) The commissioner may adopt rules for implementing the re-**
27 **quirements of this section, including but not limited to rules that:**

28 **(a) Specify which legal rights must be included in an employer's**
29 **notice under subsection (2) of this section;**

30 **(b) Establish guidelines that employers may use to prepare em-**
31 **ployees for interactions with agents or law enforcement officers during**

1 **an inspection described in subsection (1) of this section; and**

2 **(c) Provide instruction to employers regarding an employer’s right**
3 **to consent or to refuse to consent to the federal agency’s inspection.**

4 **(6) As used in this section, “employee” and “employer” have the**
5 **meanings given those terms in ORS 652.210.**

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