

# SENATE BILL No. 1216

March 18, 2008, Introduced by Senator SCHAUER and referred to the Committee on Commerce and Tourism.

A bill to prohibit knowing employment of individuals not authorized to work in the United States; to prescribe methods to determine employment authorization; and to provide for civil fines and reimbursement of costs of enforcement.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "authorized employment enforcement act".

3       Sec. 2. As used in this act:

4       (a) "Compensation" means all earnings, including wages and  
5 employer-paid health care benefits and other benefits, whether  
6 determined on the basis of time, task, piece, commission, or other  
7 method of calculation provided by the employer for labor, services,  
8 or work performed.

1 (b) "Comparable work" means work of comparable value in terms  
2 of composite skill, responsibility, effort, education or training,  
3 and working conditions.

4 (c) "Department" means the department of labor and economic  
5 growth.

6 (d) "Employ" means to permit an individual to perform labor or  
7 services for compensation.

8 (e) "Employer" means an individual, partnership, for-profit or  
9 nonprofit corporation, association, or other legal entity that  
10 employs 1 or more individuals.

11 (f) "Municipality" means a city, village, township, or county.

12 Sec. 3. (1) An employer shall not recruit, hire, employ, or  
13 refer an individual for employment to be performed in this state if  
14 the employer has actual or constructive knowledge that the  
15 individual is not legally authorized to work in the United States.

16 (2) An employer does not violate subsection (1) as to an  
17 individual if the employer has done any of the following in a good  
18 faith effort to comply with this act:

19 (a) Requested from the individual, received, and documented in  
20 the employment record, before the individual begins work,  
21 information that verifies that the individual is a United States  
22 citizen or is otherwise authorized by the United States government  
23 to work in the United States.

24 (b) Verified the legal immigrant status of the individual,  
25 before the individual begins to work, using an electronic work  
26 authorization verification service provided by the United States  
27 department of homeland security.

1       Sec. 4. An employer who violates section 3 is responsible for  
2 all of the following:

3       (a) A civil fine that is the greater of the following:

4       (i) \$5,000.00.

5       (ii) The difference between the total compensation paid by the  
6 employer to the employee who was not authorized to work in the  
7 United States and the amount of compensation that a United States  
8 citizen or otherwise legally authorized worker performing the same  
9 quantity of comparable work would have received, based on median  
10 wage rates and benefit packages in the county where the work was  
11 performed.

12       (b) The costs of the investigation of the employer incurred by  
13 a law enforcement agency in the municipality where the work was  
14 performed. The costs assessed under this subdivision shall be paid  
15 to the law enforcement agency that conducted the investigation.

16       Sec. 5. The civil fine described in section 4 is payable to  
17 the general fund of the municipality in which the violation  
18 occurred.

19       Enacting section 1. This act takes effect 90 days after the  
20 date it is enacted into law.