

A-Engrossed
Senate Bill 370

Ordered by the Senate April 10
Including Senate Amendments dated April 10

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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]* **three business days** of employer's receipt of notice of inspection from agency.

Establishes requirements for *[posting notice]* **notifying employees of upcoming inspection** 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]*. **Requires that commissioner make template available in certain languages.**

[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.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

5 **SECTION 1. (1) As used in this section and section 2 of this 2019 Act, "employee" and**
6 **"employer" have the meanings given those terms in ORS 652.210.**

7 **(2) Unless prohibited by federal law, an employer shall, within three business days of re-**
8 **ceiving a notice of an inspection from a federal agency compelling the employer to provide**
9 **access to records of forms and any other documentation used by the employer to verify the**
10 **identity and employment eligibility of the employees hired by the employer, notify the**
11 **employer's employees of the upcoming inspection.**

12 **(3) The employer shall notify employees of an upcoming inspection by:**

13 **(a) Posting a notice in a conspicuous and accessible location, in English and in the lan-**
14 **guage the employer typically uses to communicate with the employees; and**

15 **(b) Making reasonable attempts to individually distribute notifications to employees in**
16 **the employee's preferred language.**

17 **(4) The notice shall include:**

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

19 **(b) The date of the inspection;**

20 **(c) To the extent the employer knows, the scope of the federal agency's inspection;**

21 **(d) The employer's obligations with respect to providing information within the scope of**

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 federal agency's notice of inspection; and

2 (e) A telephone number, prescribed by the Bureau of Labor and Industries, for a hotline
3 operated by an organization that provides information and advocacy related to immigrant
4 and refugee workers' rights.

5 **SECTION 2.** The Commissioner of the Bureau of Labor and Industries shall generate and
6 make available on the Bureau of Labor and Industries website a template for a notice that
7 employers may use to comply with the requirements of section 1 of this 2019 Act. The com-
8 missioner shall make the template available in English and in each of the five most widely
9 used non-English languages in this state. The commissioner shall update the languages for
10 which the templates are available every five years.

11 **SECTION 3.** (1) Section 2 of this 2019 Act becomes operative on January 1, 2020.

12 (2) The Bureau of Labor and Industries may take any action before the operative date
13 specified in subsection (1) of this section that is necessary to enable the bureau to exercise,
14 on and after the operative date specified in subsection (1) of this section, the duties of the
15 bureau pursuant to section 2 of this 2019 Act.

16 **SECTION 4.** This 2019 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
18 on its passage.

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