

SB 569 A STAFF MEASURE SUMMARY**Carrier:** Rep. Fahey**House Committee On Business and Labor****Action Date:** 05/17/21**Action:** Do Pass the A-Eng bill.**Vote:** 10-1-0-0**Yeas:** 10 - Bonham, Boshart Davis, Breese-Iverson, Bynum, Clem, Evans, Fahey, Grayber, Holvey, Witt**Nays:** 1 - Post**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Jan Nordlund, LPRO Analyst**Meeting Dates:** 5/10, 5/17**WHAT THE MEASURE DOES:**

Declares an unlawful employment practice for an employer to require employee or prospective employee to possess or present valid driver license as condition of employment or continuation of employment unless the ability to drive is an essential job function or related to a legitimate business purpose. Declares an unlawful employment practice for employer to refuse to accept from an employee or prospective employee other forms of identification deemed acceptable for purposes of federal forms used to verify identification or employment authorization. Clarifies that measure does not prohibit employer from accepting driver license as identification if voluntarily offered by an employee or prospective employee. Declares that employer's acceptance of driver license may not be used as evidence of violation.

ISSUES DISCUSSED:

- Various forms of identification allowed for employment authorization purposes
- Needs of small businesses to have many employees able to drive even when driving is not an essential job function
- Clarification that measure does not require employer to provide transportation to employees

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Federal law requires all U.S. employers to properly complete Employment Verification Form I-9 for each individual they hire for employment in the country. The form requires the employee to attest to their employment authorization and provide documents for verification of the employee's identity and employment authorization. The employer must examine the employment eligibility and identity documents to determine whether the documents reasonably appear to be genuine and record the document information on the Form I-9. Employees can provide documents that establish both identity and employment authorization, such as a U.S. Passport or Permanent Resident Card, or documents that separately establish identity and employment authorization, such as driver license or other photo ID and a Social Security Account Number card, birth certificate, or other specified federal documents. A driver license is not required for an employer to properly complete Form I-9.

Senate Bill 569 A declares it is an unlawful employment practice for an employer to require an employee or prospective employee to possess or present a valid driver license as a condition of employment or continuation of employment unless the ability to drive is an essential job function or related to a legitimate business purpose. The measure also declares it is unlawful employment practice for an employer to refuse to accept from an employee or prospective employee other forms of identification deemed acceptable for verifying the identity and

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employment authorization of employees hired in the country.