

Affiliated Construction Trades Ohio Foundation

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Chairman Mark Johnson
Ohio House Commerce & Labor Committee
41 S. High Street
Columbus, OH 43215

Chairman Johnson, Vice Chair Manchester, Ranking Member McNally, and members of the House Commerce & Labor Committee:

Please be advised that the Affiliated Construction Trades Ohio Foundation ("ACT Ohio") is a 501(c)(5) organization created to help foster economic and industrial development opportunities, and to promote industry-best practices for Ohio's public and private construction. ACT Ohio currently has 146 local affiliates across the state, who in the aggregate represent more than 97,000 building trades members. On behalf of our organization, I am here to testify in favor of HB 327.

E-Verify is an internet-based system that is jointly administered by the United States Department of Homeland Security and Social Security Administration under 8 U.S.C. Section 1324(a) to determine a newly-hired employee's employment eligibility.

It is free.

The response time is typically 3 to 5 seconds.

It is proven to work.

As reported at NCSL in Arlington, Virginia last August, states that have implemented mandatory E-Verify for all employers have seen the presence of undocumented migrants illegally seeking jobs without authorization to work reduced up to 83%

E-Verify utilizes the same form employers are already required by federal law to fill out when hiring a new employee – the federal I-9 form. Here's the difference: under the *Immigration Reform and Control Act of 1986* ("IRCA"), employers are required to fill out and maintain the I-9 form for 3 three years – it is not submitted anywhere. Under E-Verify, employers are required to fill out and submit the I-9 form for an instantaneous response from the federal government on an employee's employment eligibility status. This is not a check on citizenship or immigration status, but merely a confirmation of the employee's eligibility to work in the United States.

According to the U.S. Citizenship and Immigration Services Dept., "E-Verify is currently the best means available for employers to verify electronically the employment eligibility of their newly hired employees. *E-Verify protects jobs for authorized workers and helps employers maintain a legal workforce.*" (emphasis added)

HB 327 basically has 3 elements.

R.C. 4151.02 - Regarding public works construction – all state agencies and political subdivisions entering into public works construction contracts shall include a contract provision requiring all successful contractors and every tier of sub-contractors to use E-Verify to confirm the identities and legal working status of all employees and/or workers assigned to the project. (4151.02)

And,

R.C. 4151.11(B) – Regarding private construction – all non-residential contractors and every tier of sub-contractors employing one or more employees are to verify the identity and work eligibility of all people assigned to work on the project through E-Verify.

And finally,

R.C. 4151.11(A) – Regarding all employment – all employers with 75 or more employees shall use E-Verify to confirm employment eligibility of all new hires and maintain the verification record of each for a period of 3 years.

On behalf of our almost 100,000 working men and women in Ohio, I encourage you to pass HB 327.

Thank you – I'd be happy to take any questions.