



698622

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Gibson) recommended the following:

Senate Amendment (with title amendment)

Between lines 273 and 274

insert:

(6) RIGHTS OF EMPLOYEES.—

(a) An employee has the right to know whether an employer is using the E-Verify program. Each employer using the E-Verify system shall post, in an area clearly visible to applicants and new employees, a notice in English and Spanish which says the company is participating in E-Verify.

(b) A worker has the right to know if he or she has



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12 received a Tentative Nonconfirmation (TNC). Upon receiving a
13 TNC, an employer shall give a Further Action Notice in English
14 and a translated version, if appropriate, with information on
15 how to contest the TNC. The notice must indicate whether the
16 United States Department of Homeland Security or the Social
17 Security Administration issued the TNC.

18 (c) An employee has the right to choose which documentation
19 he or she presents to complete the Form I-9. An employer may not
20 specify or request which Form I-9 documentation an employee must
21 present.

22 (d) During the verification process, an employee has the
23 right to start and continue working, including while in the
24 process of contesting a TNC. An employer may not terminate,
25 suspend, refuse to pay for work completed, refuse to train,
26 delay a start date, or take any other adverse action against an
27 employee solely because the employee has contested a TNC or has
28 a pending E-Verify case with the United States Department of
29 Homeland Security or the Social Security Administration.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 47

34 and insert:

35 employer under specified circumstances; specifying
36 rights of employees with respect to the employment
37 eligibility verification process; requiring each
38 employer using the E-Verify system to display certain
39 postings; prohibiting an employer from taking certain
40 actions against an employee; providing