



HOUSE BILL 1069: 2016 NC Employee Protection Act.

2016-2017 General Assembly

Committee:	House Regulatory Reform. If favorable, re-refer to Appropriations	Date:	June 8, 2016
Introduced by:	Reps. Cleveland, Conrad, Millis, Whitmire	Prepared by:	Ben Stanley Staff Attorney
Analysis of:	First Edition		

SUMMARY: *The bill would make various changes to the State E-Verify statutes and to a recently-enacted statute that governs State and local acceptance of certain forms of identification.*

CURRENT LAW: Article 2 of Chapter 64 of the General Statutes requires those who employ 25 or more employees in this State to use the federal E-Verify system to verify the work authorization of all newly hired employees. Current law provides that individuals who work for less than 9 months in a calendar year do not have to be counted for purposes of determining whether or not a particular employer employs 25 or more employees.

G.S. 15A-311 prohibits the acceptance by State and local officials of forms of identification not specifically authorized to be used for that purpose by the General Assembly. Subsection (c) of that section, however, creates an exception to this prohibition for law enforcement officers when the prohibited forms of identification are the only documents providing an indication of identity or residency of a person available to the law enforcement officer at the time.

BILL ANALYSIS: **Section 1** of the bill would reduce from 25 to 5 the number of employees an employer must have in this State before the employer is required to use E-Verify to verify the work authorization of the employer's newly hired employees.

Section 1 of the bill would also change which employees have to be counted for purposes of determining whether or not a particular employer employs 25 or more employees in this State. Specifically, it would make the following changes:

- It would repeal the exemption for those who work 9 months or less during a calendar year.
- It would establish an exemption for farm workers, independent contractors, and individuals who provide domestic services in a private home that is sporadic, irregular, or intermittent.

Section 1 would define "independent contractors" in a manner that is nearly identical to a definition of that term contained in the federal statutes that govern the employment of aliens (8 U.S.C. 274a.1). That section would define "farm worker" in a manner that is very similar to the description of agricultural workers maintained by the U.S. Department of Labor's Bureau of Labor Statistics. The exemption that **Section 1** would create for certain domestic services mirrors a similar exemption to a definition of employment contained in federal law (8 U.S.C. 274a.1(h)).

Section 2 of the bill would eliminate the law enforcement exemption to G.S. 15A-311.

Section 3 of the bill requires the Department of Labor to include information about employers' E-Verify obligations on labor law posters printed by the Department. **Section 4** would appropriate \$10,000 in the 2016-2017 fiscal year for this purpose.

Kory Goldsmith
Director



Legislative Drafting
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EFFECTIVE DATE: **Section 5** of the bill would make the appropriation contained in **Section 4** of the bill effective July 1, 2016. The remainder of the bill would become effective October 1, 2016.