

House Bill 961

By: Representatives Thomas of the 100<sup>th</sup>, Marin of the 96<sup>th</sup>, Floyd of the 99<sup>th</sup>, Wix of the 33<sup>rd</sup>, Johnson of the 37<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial  
2 relations, so as to enact the "Georgia Legal Employment Enforcement Act"; to provide for  
3 definitions; to provide for legislative intent; to provide for promulgation of the Georgia  
4 Employment Eligibility Verification Form by the Department of Labor; to require employers  
5 to complete and retain the Georgia Employment Eligibility Verification Form; to require  
6 employers to participate in a certain federal program; to prohibit the employment of  
7 undocumented and ineligible employees; to provide for related matters; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,  
12 is amended by inserting at the end thereof a new Chapter 16 to read as follows:

13 style="text-align:center">"CHAPTER 16

14 34-16-1.

15 This chapter shall be known and may be cited as the 'Georgia Legal Employment  
16 Enforcement Act.'

17 34-16-2.

18 As used in this chapter, the term:

19 (1) 'Basic pilot program' means the electronic verification of a work authorization  
20 program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996,  
21 P.L. 104-208, Division C, Section 403(a), 8 U.S.C. Section 1324(a), and operated by the  
22 United States Department of Homeland Security.

1 (2) 'Employee' means any person performing or applying for work or service of any kind  
2 or character for hire.

3 (3) 'Employer' means any person or entity that employs one or more employees.

4 (4) 'Georgia Employment Eligibility Verification Form' or 'GEEVF' means the form  
5 created and promulgated by the Department of Labor to be completed by all employers  
6 to verify at the time of hiring a new employee to verify the new employee's eligibility to  
7 work in the United States.

8 34-16-3.

9 It is the intention of the General Assembly to require the legal documentation of each  
10 person hired to work in this state. It shall be the policy of this state that no employer shall  
11 hire any person to work in this state without verifying and documenting such employee's  
12 employment eligibility prior to hire in accordance with federal and state law.

13 34-16-4.

14 (a) In addition to and in conjunction with the requirements of the federal Immigration  
15 Reform and Control Act of 1986, each employer in this state shall be required to complete  
16 the Georgia Employment Eligibility Verification Form for each employee hired after July  
17 1, 2006.

18 (b) The Georgia Employment Eligibility Verification Form shall be created and  
19 promulgated by the Department of Labor and shall be substantially similar in content and  
20 requirements to the federal Immigration and Naturalization Service Form I-9, 'Employment  
21 Eligibility Verification Form.' Employers may use the federal Immigration and  
22 Naturalization Service Form I-9, 'Employment Verification Form' to satisfy the  
23 requirements of the state GEEVF.

24 (c) Each employer shall be required to verify a new employee's identity and eligibility to  
25 work by completing the state GEEVF. Each individual hired shall prove by presentment  
26 of documents to be specified by the Department of Labor on the GEEVF that he or she is  
27 eligible to work in the United States. The GEEVF shall contain a complete list of  
28 acceptable documents to provide identity and eligibility. Acceptable documents shall  
29 include but are not limited to certificates of naturalization, unexpired temporary resident  
30 alien card, and unexpired employment authorization cards. In any instance in which an  
31 employee cannot provide acceptable documents, his or her employment shall be  
32 terminated.

33 (d) The GEEVF shall be retained by the employer for three years after the date of hire and  
34 for one year past the date of the employee's termination. The GEEVF shall be maintained  
35 by the employer in a location that allows access to the form within three days of

1 notification of inspection or review as provided in subsections (e) and (f) of this Code  
2 section.

3 (e) The GEEVF or the federal Immigration and Naturalization Service Form I-9 shall be  
4 made available by an employer for review upon request by certain authorized officials of  
5 the Georgia Bureau of Investigation, the Department of Labor, or the Office of the  
6 Secretary of State.

7 (f) The Department of Labor shall be authorized to inspect or audit employer records to  
8 ensure compliance with the provisions of this chapter, including examination of employer  
9 payroll records.

10 34-16-5.

11 An employer which hires an individual as an independent contractor, and not as an  
12 employee, according to regulations of the Internal Revenue Service shall verify and  
13 document the identity and eligibility of such individual in the same manner as for an  
14 employee as required under federal law and this chapter.

15 34-16-6.

16 The State of Georgia shall require, as a condition of being licensed to do business in this  
17 state, that the business or enterprise shall enroll and participate in the Basic Pilot Program  
18 as defined in Code Section 34-16-2 or any succeeding program established by the federal  
19 government.

20 34-16-7.

21 An employer which willingly and knowingly violates the federal Immigration Reform and  
22 Control Act of 1986 or the requirements of this chapter in hiring a person ineligible for  
23 employment in the United States shall be subject to the loss of the employer's license or  
24 registration to do business in this state.

25 34-16-8.

26 The provisions of this chapter shall be construed so as to be fully consistent with and  
27 complementary to federal immigration law."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.