

SB 2194

RELATING TO EMPLOYMENT PRACTICES

Description:

Requires all employers to use the e-verify system to verify that an applicant is eligible to work in the United States.



HAWAI‘I CIVIL RIGHTS COMMISSION

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January 26, 2012
2:50 pm
Conference room 224

To: The Honorable Will Espero, Chair
and Members of the Senate Committee on Public Safety,
Government Operations and Military Affairs

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2194

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC opposes S.B. No. 2194 which would add a section to Hawai‘i Revised Statutes Chapter 378 to require all employers to use the E-Verify program. E-Verify is a federal program under which employers enter into a memorandum of understanding with the Department of Homeland Security and Social Security Administration regarding the use of the program to verify the employment eligibility of all newly hired employees.

There are several reasons for HCRC opposition to S.B. No.2194:

- 1) All employers are already required by federal law to verify identity and employment authorization by I-9 verification after an offer of employment. A state law requiring the additional mandatory use of the E-Verify system would impose a requirement that is not imposed under federal law. Federal law only requires the use the E-Verify system for specific classes of employers (federal contractors, employers previously convicted of hiring unauthorized workers, and employers in states that require the use of E-Verify).
- 2) Enactment of this proposed state law requirement would raise a number of concerns, including: the need for state enforcement of federal program requirements; preemption issues; continuing problems with false negative E-Verify results that prevent non-citizens who are authorized to work from getting employment; and, contribution to anti-immigrant sentiment and ancestry discrimination.

The HCRC opposes S.B. No. 2194, and urges the Committee to hold this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 24, 2012 10:33 AM
To: PGM Testimony
Cc: [REDACTED]
Subject: Testimony for SB2194 on 1/26/2012 2:50:00 PM

Testimony for PGM 1/26/2012 2:50:00 PM SB2194

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Debra Bringman
Organization: Individual
E-mail: [REDACTED]
Submitted on: 1/24/2012

Comments:

I believe protecting the limited jobs available for US citizens is appropriate. Employers should verify if a potential candidate is legally able to work in the US.