

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Right to Privacy in the Workplace Act is
5 amended by adding Section 12 as follows:

6 (820 ILCS 55/12 new)

7 Sec. 12. Restrictions on use of Employment Eligibility
8 Verification Systems.

9 (a) Employers are prohibited from enrolling in any
10 Employment Eligibility Verification System, including the
11 Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes,
12 Pilot Programs for Employment Eligibility Confirmation
13 (enacted by PL 104-208, div. C, title IV, subtitle A), until
14 the Social Security Administration (SSA) and Department of
15 Homeland Security (DHS) databases are able to make a
16 determination on 99% of the tentative nonconfirmation notices
17 issued to employers within 3 days, unless otherwise required by
18 federal law.

19 (b) Subject to subsection (a) of this Section, an employer
20 who enrolls in the Basic Pilot program is prohibited from the
21 Employment Eligibility Verification Systems, to confirm the
22 employment authorization of new hires unless the employer
23 attests, under penalty of perjury, on a form prescribed by the

1 Department of Labor:

2 (1) that the employer has received the Basic Pilot
3 training materials from DHS, and that personnel who will
4 administer the program have completed the Basic Pilot
5 Computer Based Tutorial (CBT); and

6 (2) that the employer has posted the notice from DHS
7 indicating that the employer is enrolled in the Basic Pilot
8 program, the anti-discrimination notice issued by the
9 Office of Special Counsel for Immigration-Related Unfair
10 Employment Practices (OSC), Civil Rights Division, U.S.
11 Department of Justice, and the anti-discrimination notice
12 issued by the Illinois Department of Human Rights (IDHR).

13 (c) Responsibilities of employer using Employment
14 Eligibility Verification Systems.

15 (1) The employer shall display the notices supplied by
16 DHS, OSC, and IDHR in a prominent place that is clearly
17 visible to prospective employees.

18 (2) The employer shall require that all employer
19 representatives performing employment verification queries
20 complete the CBT. The employer shall attest, under penalty
21 of perjury, on a form prescribed by the Department of
22 Labor, that the employer representatives completed the
23 CBT.

24 (3) The employer shall become familiar with and comply
25 with the Basic Pilot Manual.

26 (4) The employer shall notify all prospective

1 employees at the time of application that such employment
2 verification system may be used for immigration
3 enforcement purposes.

4 (5) The employer shall provide all employees who
5 receive a tentative nonconfirmation with a referral letter
6 and contact information for what agency the employee must
7 contact to resolve the discrepancy.

8 (6) The employer shall comply with the Illinois Human
9 Rights Act and any applicable federal anti-discrimination
10 laws.

11 (7) The employer shall use the information it receives
12 from SSA or DHS only to confirm the employment eligibility
13 of newly-hired employees after completion of the Form I-9.
14 The employer shall safeguard this information, and means of
15 access to it (such as passwords and other privacy
16 protections), to ensure that it is not used for any other
17 purpose and as necessary to protect its confidentiality,
18 including ensuring that it is not disseminated to any
19 person other than employees of the employer who need it to
20 perform the employer's responsibilities.

21 (d) Preemption. No unit of local government, including a
22 home rule unit, may require any employer to use an Employment
23 Eligibility Verification System, including under the following
24 circumstances:

25 (1) as a condition of receiving a government contract;

26 (2) as a condition of receiving a business license; or

1 (3) as penalty for violating licensing or other similar
2 laws.

3 This subsection (d) is a denial and limitation of home rule
4 powers and functions under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 Section 97. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.