

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject:

DISCUSSION ON ADDING E-VERIFY AS A REQUIREMENT FOR A BUSINESS LICENSE IN THE TOWN OF APPLE VALLEY

At the meeting of April 26, 2011, Mayor Pro Tem Stanton suggested that an item be placed on a future agenda for the purpose of discussing E-Verify and adding this requirement to the Town's business license application to ensure a legal workforce for each business within the Town of Apple Valley.

Background:

On October 10, 2006, the Town of Apple Valley adopted resolution 2006-82 which states, "That all holders of a Town business license comply with the requirements of the Immigration Reform and Control Act of 1986, which prohibits the hiring of unauthorized aliens; and providing for revocation of business licenses where violations are found to exist."

Summary Statement:

In follow up to Mayor Pro Tem Stanton's suggestion, Town staff researched the E-Verify system to determine the requirement of having all businesses licensed within the Town of Apple Valley be required to use the E-Verify system.

If the Town elects to require business owners to utilize the E-Verify system, businesses, as they apply for business licenses within the Town, would be required to certify that they use the E-Verify system to check the right to work status of their employees using the E-Verify system, as required by law.

E-Verify is an Internet based system operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration. The system allows participating employers to electronically verify the employment eligibility of newly hired employees.

(Continued)

Recommended Action:

Provide direction to staff.

Proposed by: Frank Robinson, Town Manager **Item Number** _____

T. M. Approval: _____ **Budgeted Item** **Yes** **No** **N/A**

Some of the E-Verify procedures are:

- Employers must notify all job applicants of E-Verify participation;
- Employers must clearly display both English and Spanish “Notice of E-Verify Participation” and “Right to Work Poster(s);”
- Employers must continue to complete the Form I-9 Employment Eligibility Verification for all newly hired employees;
- Employers Ensure that all Form I-9 B identity documents have a photograph; and
- Employers must create an E-Verify case for all newly hired employees no later than the third business day after they start work for pay.

Employers participating in E-Verify may not do the following:

- Employers cannot use E-Verify to prescreen applicants for employment;
- Employers cannot specify or request which Form I-9 documentation a newly hired employee must use;
- Employers cannot use E-Verify to discriminate against any job applicant or new hire on the basis of his or her national origin, citizenship, or immigration status; and
- Employers cannot selectively verify work authorization for newly hired employees.

If Council adopts the use of E-Verify for businesses, Town staff would bring back an ordinance amending Title 5 of the Municipal Code, requiring businesses to utilize the E-Verify system. Enforcement of this ordinance would fall under the existing section of the Municipal Code (5.02.030). Additionally, the Town would update the business licenses application and would require that all business owners certify, under penalty of perjury, that they are a participating E-Verify employer before a business license is issued.