



PRESS RELEASE

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CITY OF ST. GEORGE AHEAD OF THE CURVE WHEN IT COMES TO REQUIREMENTS FOR WORKER ELIGIBILITY

St. George, UT.- For more than a year the St. George City Council has taken a proactive role to ensure that City employees, contractors, subcontractors and businesses licensed in the City are in compliance with federal, state and local immigration laws. Below are brief descriptions of actions taken by the City since January, 2008:

City of St. George Employment

The City of St. George Human Resources Division uses E-verify for everyone who has been offered employment with the City for all classifications of employment including seasonal, part-time and/or full-time positions. The City has been using E-Verify since January, 2008.

City of St. George Procurement

April 17, 2008 the St. George City Council approved City Ordinance 1-10B-14 titled "Compliance with Federal Immigration Laws." City procurement processes require contractors and sub-contractors to use E-Verify to verify the employment eligibility (including E-Verify authorized documentation) of all employees as allowed by law. The following requirements are put forth in the ordinance:

Compliance Certification- All who submit a proposal and contract with the City must certify that they do not and will not during the performance of the contract knowingly employ, or subcontract with any entity which employs workers in violation of 8 USC 1324a. Contractor agrees to require all subcontractors at the time they are hired for the project to sign a Certification of Legal Work Status and submit the Certification to the City prior to any work being performed by the subcontractors. The contractor agrees to produce, at the City's request, documents to verify compliance with applicable State and Federal laws.

If the Contractor knowingly employs workers or subcontractors in violation of 8 USC 1324a, the City can unilaterally cancel the contract between the contractor and the City. The contractor can also be suspended from participating in any future City projects for the period of one year. Contractor shall be liable for all costs associated with such termination including damages incurred by the City and attorney's fees.

Pre-Bid Notification- All contractors interested in contracting with the City are notified of the City compliance requirements found in City Ordinance 1-10B-14 at the pre bid meeting. The company awarded the contract is required to sign the compliance certificate as described in City Ordinance 1-10B-14.

Payment Request- By submitting a request for payment, the contractor must certify that it has not and will not during the performance of the contract knowingly employ, or subcontract with any entity which employs workers in violation of 8 USC 1324a. The same penalties found in City Ordinance 1-10B-14 apply if contractor is found in violation of 8 USC 1324a at the time of the payment request.

City of St. George Business Licensing

In November 2008 the City amended its business renewal application form to include language that requires businesses licensed with the City to acknowledge that they will not, during the licensing period knowingly employ or subcontract with any entity which employs workers in violation of 8 USC 1324a. They are required to acknowledge that they have read, understand and agree to comply with federal and state laws regarding the eligibility of workers.

2008 State of Utah Immigration Law Reaffirmed

The Utah State Legislature recently rejected an effort to delay the implementation of employer/immigration rules passed in 2008. Last year's bill, which now will take effect on July 31, 2009, attempts to address a broad range of issues related to illegal immigration, including some employment/work eligibility issues.

First, it requires public employers to register with and use a Status Verification System (i.e. the federal E-Verify system) to verify the federal authorization status of a new employee.

Second, it provides that a public employer may not enter into a contract for the physical performance of services within the state with a contractor unless the contractor registers and participates in the Status Verification System to verify the work eligibility status of the contractor's new employees.

Third, also beginning in 2009, it provides that it is unlawful for an employer to knowingly or recklessly discharge a lawful employee while retaining an unauthorized alien in the same job category who assumes the job duties.

Finally, the new law makes it a misdemeanor crime for a person to conceal, harbor, or shelter from detection an alien in Utah for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law.