



June 8, 2018

TO: Members, Senate Labor and Industrial Relations Committee

FROM: National Federation of Independent Business
 California Chamber of Commerce
 California Association of Winegrape Growers
 California Farm Bureau Federation
 California League of Food Processors
 California Manufacturers and Technology Association
 California Trucking Association
 United Chamber Advocacy Network
 El Dorado County Joint Chamber Commission
 Elk Grove Chamber of Commerce
 Folsom Chamber of Commerce
 Rancho Cordova Chamber of Commerce
 Roseville Area Chamber of Commerce
 Western Growers Association

**SUBJECT: AB 2732 (GONZALEZ FLETHCER) EMPLOYMENT: UNFAIR IMMIGRATION-RELATED PRACTICES
 OPPOSE – AS AMENDED APRIL 19, 2018
 SET FOR HEARING – JUNE 13, 2018**

The listed organizations **OPPOSE AB 2732 (Gonzalez Fletcher)** as amended April 19, 2018 because it creates new onerous requirements for employers to provide a worker bill of rights document to all employees, have them sign it, give them a copy of the signed document, and keep the original for three years. Non-compliance of these provisions could result in penalties up to \$10,000.

Current Federal law prohibits employers from withholding or destroying employees' immigration or identification documents. **AB 2732** requires the Department of Industrial Relations (DIR) to develop a "Worker's Bill of Rights" by July 1, 2019, which includes specified information related to employee immigration documents and employment rights. The bill requires employers to provide a copy to all employees hired before or on July 1, 2019, and to noncitizen employees hired after that date. This bill also imposes a penalty up to \$10,000 for employers that knowingly destroy, conceal, remove, confiscate, or possess a passport, immigration document, or government identification document.

The employer community takes very seriously any acts which violate workers' rights to lawful treatment in the workplace. While we understand the intent of this bill and support efforts to end human trafficking and any form of discrimination in the workplace, **AB 2732** creates unreasonable burdens for employers.

AB 2732 not only creates additional burdens on employers but also, as drafted, imposes a new, added penalty of up to \$10,000 for any Labor Code violation (*italics and bold added for emphasis*):

Section 1019.3 is added to the Labor Code, to read:

(a) It is unlawful for an employer to knowingly destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person in the course of committing, or with the intent to commit, trafficking, peonage, slavery, involuntary servitude, a coercive labor practice, ***or to otherwise avoid any obligation imposed on the employer by this code.***

(c) Notwithstanding, and in addition to any fine that may be levied as a result of any criminal prosecution provided for in subdivision (b) or another statute, an employer who violates subdivision (a) shall be subject to a civil penalty of up to ten thousand dollars (\$10,000). The penalty shall be recoverable by the Labor Commissioner.

Employers of all sizes, but especially small business owners, struggle to comply with a wide array of documentation and signage requirements, and this bill seeks to impose additional, burdensome requirements. For these and other reasons, we **OPPOSE AB 2732 (Gonzalez Fletcher)**.

cc: Camille Wagner, Office of the Governor
The Honorable Lorena Gonzalez Fletcher
Alma Perez, Senate Labor and Industrial Relations Committee
Corey Botts, Senate Republican Caucus
Robert Ingenito, Senate Appropriations Committee
District Offices, Members, Senate Labor and Industrial Relations Committee