

# Pennsylvania Capital-Star

## **Unions, immigration advocates divided over expanding work status checks to construction industry**

Stephen Caruso

June 13, 2019

In the era of President Donald Trump, a labor-backed bill that might have attracted wide, bipartisan support just a few years ago is driving a wedge between two segments of organized labor: the traditionally more conservative building trades and their progressive colleagues.

That divide is also manifesting itself in the General Assembly.

The legislation — introduced by Rep. Ryan Mackenzie, R-Lehigh, with bipartisan cosponsors, and supported by the unions that represent Pennsylvania’s carpenters, roofers, bricklayers, and other construction workers — would mandate all building contractors run new hires through the federal E-Verify system.

If a construction company continues to hire unauthorized workers, the state Department of Labor and Industry could investigate following a tip. If true, any unverified employees must be fired.

Created in the 1980s, E-Verify is an electronic way for employers to check the immigration status of perspective employees by running their name or social security number through a federal database.

The program aimed to cut down on the employment of undocumented immigrants by giving employers a means to quickly check immigration status.

As of 2018, just 13.5 percent of employers nationwide were enrolled in the system, covering just 37 percent of hires that year.

State trade unions contend expanding E-Verify use would mean more payments from authorized workers into local tax coffers and the state unemployment compensation fund. Studies have shown that millions of undocumented workers do, in fact, pay federal, state and local taxes.

They also hope using the system could level the playing field between firms vying for work.

Using cheaper, possibly undocumented laborers “hurts the contractors who are trying to do the right thing and are playing by all the rules, because they can’t compete with all the contractors

who are cheating like this,” Frank Sirianni, president of the Pennsylvania State Building and Construction Trades Council, told the Capital-Star.

Sirianni is also backing a measure from Rep. John Galloway, D-Bucks, to set up a state task force to study the misclassification of workers as independent contractors.

It is legal under federal law for undocumented people to work as independent contractors. Companies may classify these workers that way to get them on the books, but misclassification also hurts U.S. citizens, according to Sirianni.

At least 20 states require E-Verify for some public or private employers, according to the National Conference of State Legislatures. Since 2012, Pennsylvania has required companies with state public works contracts to run their hires through the system.

But the efficacy of the program is hotly debated.

In April, trade union leaders told the House Labor and Industry Committee the program is a helpful and easy-to-use tool that may discourage some undocumented workers from applying for positions in the first place.

But the program’s “actual accuracy rate is difficult to determine because it just checks the documents and not the worker himself,” according to a 2015 report from the Cato Institute, a libertarian think tank.

Meanwhile, use of E-Verify has succeeded in driving down the wages of mostly male undocumented immigrant workers, according to a 2017 Dallas Federal Reserve working paper.

While wages declined, there was no evidence E-Verify prevented them from working. In fact, the study found increased rates of employment among women as undocumented families tried to make up for the lost income.

Union versus union

The timing of the push — in the midst of a presidency where attacks on immigration are commonplace — has left progressives inside and outside the Capitol questioning the need for the measure.

Pennsylvania’s local of the Service Employees International Union — which represents a number of foreign-born workers — has lobbied against the legislation. The union backs the push to study misclassification, but worries about the safety of sending immigrants’ information to a federal database in the midst of a crackdown by President Donald Trump’s administration.

Earlier this month, the head of Immigration and Customs Enforcement announced the agency would begin to focus on deporting families that have disobeyed court orders to leave the U.S., according to the Washington Post. Still, the number of deportations overseen by the Trump administration is dwarfed by those during President Barack Obama’s tenure.

Lobbying by SEIU helped remove language that would have notified ICE if the state pursued an investigation, according to one of the bill's sponsors. But the union is still withholding its support.

“Republicans, and Democrats, need to know that this flawed bill will push immigrants further into the shadows, rewarding unscrupulous off-the-books employers,” Gabe Morgan, vice president of 32BJ SEIU for Pennsylvania and Delaware, said in a statement. “This is a bad idea. E-verify is not a fix for our broken immigration system and it has proven to hurt legal workers.”

Sirianni took a dim view of the service union's work, saying the legislation “has nothing to do with them. It's construction.”

Immigration activists, meanwhile, see a split between supporters of worker and immigrant rights, when the advocates of the two causes should be fighting together.

“It's so important that labor in the state of Pennsylvania unite with immigrant workers in our state for the betterment of immigrant families,” Desi Burnette, a coordinator for Movement of Immigrant Leaders in Pennsylvania, told the Capital-Star.

Just one member of the the Labor and Industry Committee — Rep. Leanne Krueger, D-Delaware — voted against advancing the bill last week.

Krueger said she is concerned legal workers would be denied work clearance. A [2012 Federal review](#) of E-Verify found that happens in six percent of denials.

She also questioned the enforcement mechanism. The bill authorizes state “agencies to suspend each license that is held by the employer if the employer fails” to follow up on state sanctions for hiring undocumented workers. But the state does not currently license construction contractors.

House lawmakers debated the measure Wednesday. Democrats filed over 30 different amendments, including protection for the Dreamers — the name given to people brought to the country illegally as children — and increased penalties for employers. All failed in near-party-line votes.

The House could take a final vote on the legislation as early as next week. Sirianni expressed confidence the legislation would pass with a healthy margin.

Gov. Tom Wolf told the Capital-Star on Wednesday he is still undecided. But, he added, he appreciates the problems faced by construction workers.

“I'm still trying to figure out that this is the appropriate way to go,” Wolf said.