Bill would require screening workers' legality

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HIGHLIGHT: Legal Workforce Act mandates employer to use E-Verify, a free online federal program, to check applicant's status.

A debate is raging in Congress over whether to force every employer in the nation to use a federal program intended to weed out illegal workers.

The Legal Workforce Act - recently approved by a congressional committee - would require every employer to use E-Verify, a free online federal program that checks if a job applicant is allowed to legally work in the country.

Supporters say the measure would push illegal immigrants from the workforce and reclaim those jobs for Americans or legal residents while evening out the playing field for businesses. Opponents say the program would saddle small-business owners with additional burdens and put Americans out of work - pointing to incidents in which the system mistakenly flagged U.S. citizens as unauthorized workers.

It's unclear whether House Speaker John Boehner will allow the bill to reach a vote. Political battle lines are being drawn and some anti-illegal immigration activists with conservative leanings, such as the Tea Party Nation, are taking action to stop the bill, calling it a "job killer." At the same time, U.S. Chamber of Commerce officials - longtime E-Verify skeptics - are now endorsing the measure.

E-Verify compares information from an employee's I-9 employment form with Social Security Administration and Department of Homeland Security records. The program is voluntary in most states, such as California, and mandatory only for employers who contract with the federal government.

O.C. employers have mixed feelings

Mike Mahony, vice president of Dynamic Plumbing Commercial Inc., which does work in Orange County, is required to use E-Verify because it has work contracts with the federal government. In addition, he said, he does jobs in Arizona, one of a handful of states where E-Verify is required by law.

In the last three months, Mahony's company hired 100 people in California and about 5 percent didn't clear E-Verify, according to Conni Zuniga, who heads the company's human resources division. Those employees were given the option to contest it, Zuniga said, but no one has come back to clear up the issue.

"And my competition goes and hires them," Mahony said. "It's frustrating. It puts huge upward pressure on payroll and increases the costs of goods and services."

That's why Mahony supports mandatory E-Verify. If he has to use it, he said, why shouldn't every other employer?

Mark Louvier, owner of Trimco Finish in Santa Ana, opposes mandatory E-Verify. He said he already follows enough state and federal laws in hiring and doesn't need yet another government system.

"As stretched and thin as we are, if my administrative staff has to perform additional functions and spend more time doing work for the government, I'm the one who has to pay for the employee to do that work," Louvier said.

Louvier, a former president of the California Association of Specialty Contractors, provides carpentry services for the homebuilding industry. He said immigration officials audited his workplace two years ago and found nothing. He fears that a mandatory program might uncover some illegal workers in his workforce he doesn't know about and who are skilled employees he'd have a tough time replacing.

"The training process is fairly extensive," he said. "I'm not building widgets."

Opponents of the bill agree that a mandate would put additional stress on business owners.

"The Republicans seem to be ready to punch small business in the stomach when they are just getting back on their feet," said Tyler Moran, policy director at National Immigration Law Center. "Ultimately Republican leadership is going to have to make the decision whether they're going to follow (bill author) Lamar Smith off of this cliff of anti-immigrant legislation at all cost or if he's going to stand with his party's principles of deregulation for business, protecting jobs and protecting the economy."

Roy Beck, who heads NumbersUSA.com, said the bill should be supported because it protects jobs - for Americans and legal residents. He pointed to the aftermath of workplace enforcement actions at Chipotle, factories and meat-packing plants. Americans lined up to take the jobs once held by illegal workers, he said.

However, those American workers don't tend to stick around long, said Daniel Griswold, director of the Cato Institute's Center for Trade Policy Studies. "They see that it's not very desirable work and tend to drift away," he said.

When employers see that they'd have to pay more to retain legal workers, it becomes one more reason for those industries to move offshore if they can't compete in the United States, Griswold said.

Businesses would have two years to adjust to the new rules if the E-Verify bill is passed, Beck said. The bill also calls for a guest worker program to fill jobs in agriculture - an industry experiencing a labor shortage.

Strange bedfellows

A huge point of contention is whether American and legal workers would be hurt. The system has a conservative 0.5 percent error rate that would affect 770,000 of the estimated 154 million workers in the United States, experts say.

"Is someone willing to sacrifice a job because of a government error?" Moran asked

That's a question that has led to unlikely alliances among immigrant-rights activists and Tea Party-type conservatives.

Pushback on the bill is coming from representatives of 30 conservative, Tea Party and limited-government groups. Most have long opposed illegal immigration. A couple of weeks ago, the coalition launched a media campaign and sent a letter to Congress outlining their concerns.

"Many of us are taking some heat for our action, but we stand by it because in no way does it compromise our position against illegal immigration," said Kathryn Serkes of Take Back Washington. "This is a great opportunity to discuss the negative unintended consequences of well-intentioned actions out of Congress."

In the letter to Congress, the coalition states that the bill creates a de facto national I.D. system, violates individual civil liberties such as the right to work, and mandates a costly regulatory burden that cripples small business and encourages identify theft.

At the same time, the U.S. Chamber of Commerce is endorsing mandatory E-Verify, stating that Smith's bill is "a legitimate balancing of many competing interests" but also says some "concerns and issues may arise" with the measure.

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