

Austin American-Statesman

Capitol grounds crew is E-Verified

W. Gardner Selby

November 28, 2015

Commenting on Gov. Greg Abbott pressing sheriffs to detain individuals living in the country without legal authorization, a reader brought up workers who groom the grounds of the Texas Capitol.

“Illegal immigrants mow the grass around the Capitol,” said a Facebook comment posted Nov. 10, 2015, in reaction to the American-Statesman’s summary of the paper’s news story about Abbott telling Texas sheriffs he might withhold criminal justice grant aid if they don’t fully comply with federal requests for detaining “criminal immigrants” held in their jails.

The newspaper published that comment, among others, prompting us to wonder: Do undocumented workers really mow the Capitol lawn?

We attempted to reach the commenter to see how he reached his conclusion, but we didn’t hear back.

We reached the State Preservation Board, which manages the Capitol and nearby state facilities. Spokesman Chris Currens said the board contracts with a private company to care for the grounds and that company is required to use the online federal E-Verify system, authorized by Congress in 1996, which enables users to determine whether employees are citizens or have a required visa to work legally here.

“In short,” the government says, “employers submit information taken from a new hire’s Form I-9 (Employment Eligibility Verification Form) through E-Verify to the Social Security Administration and U.S. Citizenship and Immigration Services to determine whether the information matches government records and whether the new hire is authorized to work in the United States.”

U.S. employers submit Form I-9 for each employee; on the form, an employee must attest to his or her employment authorization. In addition, a government summary says, the employee must present his or her employer with “acceptable documents” showing who they are and that they’re eligible to work in the country. Documents that fit the description, according to the form, include passports and permanent resident or alien registration cards.

A note: E-Verify might be a flawed method of weeding out ineligible workers. In a July report, the Cato Institute pointed out that a government-commissioned analysis estimated that 54 percent of “unauthorized workers submitted to E-Verify were incorrectly found to be work authorized because of rampant document fraud.” Alex Nowrasteh of Cato told us that “even if” workers “cleared E-Verify, that doesn’t mean they’re legal.”

Back to Texas: In December 2014, then-Gov. Rick Perry ordered agencies to use E-Verify.

Currens told us that the State Preservation Board placed a clause requiring contractors to use E-Verify in April 2009 and that grounds contracts have included the clause ever since. Also, Currens noted, each contract requires the contractor to certify that each employee is in compliance with federal immigration laws.

The current Capitol groundskeeping contract, which is with Clean Scapes, an Austin company, requires the contractor to subject employees to pre-employment and annual criminal background checks. The company also must obtain photocopies of the worker's driver's license or state-issued photo identification and Social Security card or resident alien work visa/identification card. And the company "must provide documentation showing that this request has been met for all employees working" on preservation-board-overseen properties.

We asked the agency for the latest documentation. Currens sent an undated notice to the board from Marilu Sanchez, a Clean Scapes human resources specialist, stating the company had run E-Verify for six employees, each one listed by name. Currens said the notice was submitted to cover the workers at the Capitol in the fiscal year that ended Aug. 31.

Carmen Zayas, a Clean Scapes vice president, said the landscaping company has long checked all its workers through the E-Verify system. "People are always going to make assumptions about the landscaping industry" employing immigrants without legal permission to live here, Zayas said. "We take that process as seriously as anyone can."

Currens told us the board "is confident that the groundskeeping workers have proper legal status."

Our ruling:

A Facebook comment published in the Statesman said: "Illegal immigrants mow the grass around the Capitol."

If so, such immigrants have fooled the federal E-Verify system and the agency that oversees the Capitol grounds.

We rate the claim False.