

STRICKEN AS OF 12/7/2011

Intro. Res. No. 1478-2011

Laid on Table 6/1/2011

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, ADOPTING LOCAL
NO. -2011, A LOCAL LAW TO REQUIRE OCCUPATIONAL
LICENSEES TO UTILIZE THE SOCIAL SECURITY NUMBER
VERIFICATION SERVICE (SSNVS) AND THE E-VERIFY
SYSTEM**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2011, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE OCCUPATIONAL LICENSEES TO UTILIZE THE SOCIAL SECURITY NUMBER VERIFICATION SERVICE (SSNVS) AND THE E-VERIFY SYSTEM;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REQUIRE OCCUPATIONAL LICENCEES TO
UTILIZE THE SOCIAL SECURITY NUMBER VERIFICATION SERVICE
(SSNVS) AND THE E-VERIFY SYSTEM**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK,
as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that the Federal Government operates the Social Security Number Verification Service (SSNVS). It is a no-cost service offered by the Social Security Administration's Business Services Online, which allows registered users to verify the names and social security numbers of employees against Social Security Administration records.

This Legislature further finds and determines that the United States Department of Homeland Security and the Social Security Administration have established E-Verify. Under this program, employers can check the I-9 information supplied by employees to insure that an employee's name, social security number, date of birth and citizenship status match government records.

E-Verify is designed to assist employers in verifying the employment eligibility of all their newly hired employees. SSNVS is designed only to verify the names and social security numbers of existing employees, as well as those newly hired, against Social Security Administration records. SSNVS cannot be used to determine employment eligibility.

Employers can access both systems at no cost and it is relatively easy to use.

This Legislature further finds and determines that by requiring occupational license holders to use both E-Verify and the SSNVS the County would, thereby:

- (i) facilitate the promotion of the Federal policy of requiring employers to verify the employment status of potential employees;
- (ii) support the eradication of unfair competitive advantages between businesses;
- (iii) aid in the elimination of unfair labor practices and exploitations;
- (iv) assist in allowing the Social Security Administration to properly credit employees' earnings records, which will be important information in determining their Social Security benefits in the future;
- (v) assure taxpayers that employers and employees are paying their fair share of taxes by complying with tax laws; and
- (vi) reduce incidents of identity theft.

Therefore, the purpose of this law is to amend Chapter 345 of the Regulatory Local Laws of the Laws of Suffolk County to require that occupational license applicants and applicants for license renewal must represent that they have registered with E-Verify and SSNVS, that the E-Verify program is used to ensure that employees are eligible to work in the United States, and that the SSNVS is only used to verify that existing employees have accurate social security numbers as compared to Social Security Administration records.

Section 2. Amendments.

I.) Chapter 345 of the Regulatory Local Laws of the Laws of Suffolk County is hereby amended to add the following:

**Chapter 345
Licensed Occupations
Article I
Provisions Applicable to All Licenses**

§ 345-5. Application procedure; information required; qualifications; issuance of license.

(M) Every application shall include a representation by the applicant that it is registered to use E-Verify and the federal Social Security Number Verification Service (SSNVS); that it utilizes E-Verify to electronically verify the employment eligibility of newly hired employees, and that the SSNVS is used to verify the accuracy and veracity of existing employees' social security numbers; that it is in compliance with E-Verify program requirements and the directives of the SSNVS handbook and/or manual, including but not limited to, following the SSNVS directives regarding steps to be taken in case of a failed social security number verification. Failure to utilize E-Verify or SSNVS as described herein, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license in accordance with the applicable provisions of this Chapter.

II.) Chapter 345 of the Regulatory Local Laws of the Laws of Suffolk County is hereby amended to add the following:

**Chapter 345
Article XI
Electricians and Plumbers**

§ 345-123. Application procedure; qualifications; examinations.

B. Qualifications of applicant

(6) Every application shall include a representation by the applicant that it is registered to use E-Verify and the federal Social Security Number Verification Service (SSNVS); that it utilizes E-Verify to electronically verify the employment eligibility of newly hired employees, and that the SSNVS is used to verify the accuracy and veracity of existing employees' social security numbers; that it is in compliance with E-Verify program requirements and the directives of the SSNVS handbook and/or manual, including but not limited to, following the SSNVS directives regarding steps to be taken in case of a failed social security number verification. Failure to utilize E-Verify or SSNVS as described herein, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license in accordance with the applicable provisions of this Chapter.

Section 3. Affirmative Defense.

It shall be an affirmative defense in any hearing or proceeding brought under this law that an applicant or licensee has complied in good faith with the requirements herein.

Section 4. Investigations.

The Suffolk County Department of Labor is hereby authorized and empowered to investigate alleged violations of this law upon the request of the Director of the Suffolk County Office of Consumer Affairs. Authorized employees of the Department of Labor shall be entitled to request and review records maintained by licensees that demonstrate their compliance with this law. Upon the completion of an investigation, the Suffolk County Department of Labor shall forward its findings to the Director of the Suffolk County Office of Consumer Affairs.

Section 5. Promulgation of Rules and Regulations.

A. The Suffolk County Office of Consumer Affairs is hereby authorized, empowered and directed to promulgate such rules and regulations as it deems necessary for the implementation and enforcement of the provisions of this law.

B. The Suffolk County Department of Labor is hereby authorized, empowered and directed to promulgate such rules and regulations as it deems necessary to carry out the investigations described in Section 2 of this law.

Section 6. Applicability.

This law shall apply to all applications for licenses and license renewals submitted to the Office of Consumer Affairs on and after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect 120 days after its filing in the Office of the Secretary of State.

[] Brackets denote deletion of language.

__ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: