



Support Comprehensive Immigration Reform

Issue Background:

NECA contractors employ highly trained and skilled workers who are well compensated in wages, health and pension benefits – core components of a strong and sustainable workforce. The electrical construction industry invests \$100 million annually in what we believe is the largest and most successful apprenticeship and training program in the nation. Workers receive the highest level of training in the industry, participating in hundreds of hours of classroom lectures and discussions and up to 8,000 hours of on-the-job training. Since NECA invests in ensuring that our workforce is the most skilled, we must anticipate that these workers have a future here in America.

Key Points:

- *An Effective, Permanent, and Mandatory Electronic Verification Program is Needed for Both the Public and Private Sectors.* Current law requires employers who work with the federal government to verify the status only of their employees working on federal projects. NECA supports a mandatory system that is accurate, efficient and user friendly and improves current law to include the private sector. The program must include the following provisions:
 - Require employers to verify the identity and employment eligibility of any individual who has not been previously verified and allow them a reasonable period of time to verify current employees.
 - Include a safe harbor for employers who use the system that waives liability for contractors who have complied with verification requirements but may still, unknowingly, use subcontractors that employ illegal workers.
 - A "knowing" intent standard for liability for both employers and contractors that engage with subcontractors, suppliers and exchanges.
 - Eliminate the duplicative and onerous administrative paperwork burden that fall on employers.
 - A Federal preemption provision that will prohibit state and local governments from limiting the right for employers to verify the eligibility of their current and prospective employees.
- *Aggressive and Effective Enforcement Action Against Employers Who Knowingly Violate The Law.* As long as bad-actor employers knowingly offer jobs to illegal workers, the flow of illegal immigrants into the U.S. will continue. Laws are already on the books that impose criminal penalties on employers who knowingly violate employment laws by hiring workers who are in the U.S. illegally. Those laws should be aggressively and effectively enforced.
- *Guest Workers Should Be Paid Competitive Wages.* All guest worker programs must have competitive wage rates that meet the standards and level of our workforce. Guest workers must be assured they are paid competitive wages at a prevailing rate for their particular occupation or the local wage rates in their geographical area, whichever is greater. The methodology used for this determination must be objective, consistent, and repeatable across the country.
- *Reform and Improve Current Guest Worker Programs.* NECA supports a fair and balanced guest worker program that meets the needs of the construction industry. Unfortunately, the existing H-2B program, which allows U.S. employers who meet specific regulatory requirements to bring guest workers to the United States to fill temporary nonagricultural jobs, is not flexible enough or responsive to market conditions to meet the workforce demands of some sectors within the construction industry. It must be reformed to accommodate employment needs when there are no available or willing American workers.

- *Include the Electrical Construction Industry In Any New Guest Worker Program.* While it is clear there is not an immediate need for guest workers in many areas of the country because overall unemployment remains above 15 percent in the construction industry, the potential to experience shortages over the next several decades is realistic. A successful guest worker program must provide a sufficient number of visas to meet market demand and reduce the incidence of illegal immigration. NECA believes this will be an excellent opportunity for the electrical construction industry to recruit, train and hire essential, qualified guest workers only when there are no available or willing American workers.
- *Create An Earned Pathway for Citizenship for Current Undocumented Workers Who Meet Stringent Criteria.* From the perspective of the electrical construction industry, it is critical for any reforms to the existing guest worker programs to provide the opportunity for foreign workers to not simply temporarily participate in our economy for a short period of time, but to lay the groundwork for a pathway to citizenship. Guest workers must have the option to stay in the U.S. long enough to finish their training and to continue to work in the U.S. when their training is completed.
- *Establish A Consistent And Rigorous Policy To Protect Our Borders, Stop Illegal Immigration, And Ensure All Legal Immigrants Are Properly Accounted.* NECA supports the enforcement of the current immigration laws and supports legislation that ensures U.S. borders are effectively patrolled and sealed to illegal immigration. The Justice Department's Office of Inspector General reports that about 40 percent of all illegal immigrants in this country are foreigners who do not leave after their visas expire. NECA supports the tracking of expiring visas to ensure that guest workers leave the U.S. when their visas expire.

NECA Position:

NECA supports legislation that includes an effective employee eligibility verification system; provides for aggressive and effective enforcement action against employers who knowingly violate the law; assures competitive wages for guest workers; reforms and improves our current guest worker programs; recognizes the inclusion of the electrical construction industry in any new guest worker program; creates an earned pathway for citizenship for current undocumented workers who meet stringent criteria; and ensures the border is secure and enacts reforms to ensure all legal immigrants are properly accounted.