

ORDER #

RESOLUTION PROHIBITING THE USE OF UNDOCUMENTED WORKERS ON CITY CONTRACTS

WHEREAS, The Governor of the Commonwealth of Massachusetts on or about February 23, 2007, issued Executive Order No. 481, Prohibiting the Use of Undocumented Workers on State Contracts; and

WHEREAS, some employers unlawfully misclassify undocumented workers as self-employed or independent contractors to avoid the costs of social security taxes, healthcare, pensions, workers' compensation and unemployment insurance, and other benefits, thereby violating labor and employment laws to the detriment of workers and of employers who comply with the law;

WHEREAS, the City of Methuen is committed to deterring unlawful employment practices, including wage and hour violations, and to protecting workers and law-abiding employers from the unfair effects of such practices;

WHEREAS, the federal Immigration & Nationality Act, 8 U.S.C. §§1324a and 1324b, provides a comprehensive scheme for employers to verify the immigration status of all job applicants without engaging in unlawful discrimination; and

WHEREAS, Massachusetts General Laws Chapter 149, Section 19C prohibits employers from knowingly employing any alien in the Commonwealth who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the Attorney General of the United State;

NOW THEREFORE BE IT RESOLVED, That the City Council of the City of Methuen hereby proposes that the Mayor of the City of Methuen shall establish a policy:

Section 1. To prohibit the use of undocumented workers in connection with the performance of City contracts;

Section 2. All contracts entered into by the Mayor on behalf of the City of Methuen after the effective date of said policy shall provide that as a condition of receiving City funds under a contract, that employers shall not knowingly use undocumented workers in connection with the performance of said contract; that, pursuant to Federal requirements they shall verify the immigration status of all workers assigned to the contract without engaging unlawful discrimination; and that they shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker.

Section 3. All contracts shall specify that a breach of any of these terms during the period of the contract may be regarded as a material breach, subjecting the contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

Section 4. The Office of the City Solicitor shall develop and implement uniform language to be incorporated into all City contracts and shall draft the foregoing contractual provisions