

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1001**

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**Introduced by Senator Mitchell**

(Principal coauthor: Assembly Member Chiu)

**(Coauthor: Senator Vidak)**

(Coauthors: Assembly Members Eggman and Thurmond)

February 10, 2016

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An act to add Section ~~12952~~ to the Government *1019.1* to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, as amended, Mitchell. Employment: unfair practices.

~~Existing provisions of the California Fair Employment and Housing Act define and prohibit various discriminatory employment practices to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination, abridgment, or harassment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.~~

Existing law prohibits an employer or any other person from engaging in, or directing another person to engage in, an unfair immigration-related practice against a person for the purpose of or intent to retaliate against any person for exercising a protected right, as specified. *Existing law defines requesting more or different documents than are required under federal law, or refusing to honor documents tendered that on their face reasonably appear to be genuine, as an unfair immigration-related practice.*

~~This bill would make it an unlawful employment practice unlawful for an employer to request more or different documents than are required under federal law relating to verification that an individual is not an unauthorized alien, or to refuse to honor documents tendered that on their face reasonably appear to be genuine, or to discriminate against an immigrant with authorization to work based upon the specific status or term of status that accompanies the authorization to work, or to attempt to reinvestigate or reverify an incumbent employee's authorization to work unless required to do so by federal law or authority. or any other person or entity to engage in, or to direct another person or entity to engage in, an unfair immigration-related practice against either an applicant for employment or an employee. The bill would prohibit an employer or any other person or entity from attempting to reinvestigate or reverify an incumbent employee's authorization to work using an unfair immigration-related practice, and prohibit an employer or any other person or entity from discriminating or directing another person to discriminate, against an applicant for employment or an employee with authorization to work based upon the specific status, or term of status, that accompanies the authorization to work. The bill would authorize an applicant for employment or an employee who is subject to an unfair immigration-related practice to bring a civil action for equitable relief and any applicable damages or penalties, and provide that, if he or she prevails in that action, he or she shall recover reasonable attorney's fees and costs, including any expert witness costs.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1019.1 is added to the Labor Code, to
- 2     read:
- 3     1019.1. (a) It is unlawful for an employer or any other person
- 4     or entity to engage in, or to direct another person or entity to
- 5     engage in, an unfair immigration-related practice against an
- 6     applicant for employment or an employee.
- 7     (b) It is unlawful for an employer or any other person or entity
- 8     to attempt, or to direct another person or entity to attempt, to
- 9     reinvestigate or reverify an incumbent employee's authorization
- 10    to work using an unfair immigration-related practice.

1 (c) *It is unlawful and an unfair immigration-related practice*  
2 *for an employer or any other person or entity to, or to direct*  
3 *another person to, discriminate against an applicant for*  
4 *employment or an employee with authorization to work based upon*  
5 *the specific status, or term of status, that accompanies the*  
6 *authorization to work.*

7 (d) (1) *An applicant for employment or an employee who is*  
8 *subject to an unfair immigration-related practice that is prohibited*  
9 *by this section, or a representative of that applicant for employment*  
10 *or employee, may bring a civil action for equitable relief and any*  
11 *applicable damages or penalties.*

12 (2) *An applicant for employment or an employee who is subject*  
13 *to any unfair immigration-related practice that is prohibited by*  
14 *this section, and who prevails in an action authorized by this*  
15 *section, shall recover his or her reasonable attorney's fees and*  
16 *costs, including any expert witness costs.*

17 SECTION 1. ~~Section 12952 is added to the Government Code,~~  
18 ~~to read:~~

19 ~~12952. It is an unlawful employment practice for an employer~~  
20 ~~to request more or different documents than are required under~~  
21 ~~Section 1324a(b) of Title 8 of the United States Code, or to refuse~~  
22 ~~to honor documents tendered that on their face reasonably appear~~  
23 ~~to be genuine, or to discriminate against an immigrant with~~  
24 ~~authorization to work based upon the specific status or term of~~  
25 ~~status that accompanies the authorization to work, or to attempt~~  
26 ~~to reinvestigate or reverify an incumbent employee's authorization~~  
27 ~~to work unless required to do so by federal law or authority.~~