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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2192 Session of  
2015

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INTRODUCED BY D. COSTA, MILLARD, READSHAW, KOTIK, HELM, HEFFLEY,  
PASHINSKI, CONKLIN, RAVENSTAHL, DEASY, DUNBAR, GIBBONS,  
BURNS, GOODMAN, A. HARRIS, McNEILL AND PETRARCA,  
JUNE 21, 2016

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 21, 2016

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AN ACT

1 Providing for private construction employee verification; and  
2 imposing a civil penalty.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Private  
7 Construction Employee Verification Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise.

12 "Building permit." A permit issued by a municipality under  
13 section 502 of the act of November 10, 1999 (P.L.491, No.45),  
14 known as the Pennsylvania Construction Code Act.

15 "Contract." An agreement between a contractor or  
16 subcontractor and owner for the performance of new construction,  
17 remodeling or renovation, including all agreements for labor,

1 services and materials to be furnished under the agreement.

2 "Contractor." A person who is licensed to own or operate a  
3 new construction, remodeling or renovation business or  
4 undertakes, offers to undertake or agrees to perform any  
5 alteration.

6 "Employee." An individual who is employed by a contractor or  
7 subcontractor.

8 "EVP." The E-Verify Program operated by the Department of  
9 Homeland Security that electronically verifies the employment  
10 eligibility of employees.

11 "Municipality." A city, borough, incorporated town, township  
12 or home rule municipality.

13 "Owner." An owner of a private residence or business.

14 "Private residence." A single family dwelling or a  
15 multifamily dwelling consisting of no more than two units or a  
16 single unit, including a condominium and a townhome.

17 "Subcontractor." A person who has contracted with a new  
18 construction, remodeling or renovation business to provide  
19 services to a customer of the new construction, remodeling or  
20 renovation business.

21 Section 3. Private construction employee verification.

22 (a) Duties.--A contractor or subcontractor who performs new  
23 construction, remodeling or renovation under a contract, the  
24 value of which is in excess of \$25,000, shall:

25 (1) Provide a municipality with evidence that the  
26 contractor's or subcontractor's employees have been subject  
27 to the EVP. EVP evidence shall be a precondition of being  
28 granted a building permit.

29 (2) Participate in the EVP and, subject to the  
30 requirements of Federal law governing the use of the EVP, use

1 the EVP to verify the employment eligibility of each new  
2 employee.

3 (3) Provide the municipality with the EVP evidence of an  
4 employee who is hired after the issuance of a building  
5 permit.

6 (b) Revocation of permit.--Failure to provide the  
7 municipality with the EVP evidence of employees hired after the  
8 issuance of a building permit shall result in the revocation of  
9 the permit.

10 Section 4. Violations.

11 A contractor or subcontractor who violates section 3(a) shall  
12 be subject to a civil penalty not greater than \$350 for each  
13 violation levied by the municipality.

14 Section 5. Protection from retaliation.

15 It shall be unlawful for a contractor or subcontractor to  
16 discharge, threaten or otherwise retaliate or discriminate  
17 against an employee regarding compensation or other terms of  
18 employment because the employee:

19 (1) participates in an investigation held by a  
20 municipality to determine compliance with this act; or

21 (2) reports or makes a complaint regarding the violation  
22 of this act to a Federal, State or local agency.

23 Section 6. Nonapplicability.

24 This act shall not apply to work performed without  
25 compensation and without a contract on an owner's private  
26 residence by the owner or other uncompensated party.

27 Section 7. Effective date.

28 This act shall take effect in 60 days.