

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to City and County of Los Angeles jobs that have a legal status requirement.

Recommendation for Council action:

NOTE and FILE the September 28, 2020 Personnel Department report relative to City and County of Los Angeles jobs that have a legal status requirement.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

Summary:

On November 4, 2020, your Committee considered a September 28, 2020 Personnel Department report relative to City and County of Los Angeles jobs that have a legal status requirement. According to the Personnel Department, the Immigration Reform and Control Act of 1986 (IRCA), which was signed on November 6, 1986 by President Reagan prohibits the employment of undocumented immigrants and requires all employers to implement an "employment verification system." The law also adopted penalties for employers who illegally employ undocumented immigrants or fail to comply with the verification procedures for all employees hired after the law's effective date.

All new employees who are hired on or after November 7, 1986, are required to submit proof of 1) identity and 2) a legal right to work in the United States. The federal law does not provide any exceptions to the requirement. The City is required, under federal law, to verify if an individual is authorized to work in the United States. Employers, including governmental bodies, must verify the identity and employment authorization for any non-citizen seeking employment in the United States when hiring or continuing to employ the individual. (8 CFR Section 274a.2). The City has no authority to eliminate the authorization requirement. It does not matter what position is being considered. Further, consistent with federal law, the Civil Service Rule 3.1 provides an applicant must have a legal right to work to be qualified for examination. The power of Naturalization is exclusively in Congress. (*Chirac v. Lessee of Chirac* (1817) 15 U.S. 259, 269. Therefore, any changes to the IRCA would require Congressional approval as well as a change in federal law. After consideration and having provided an opportunity for public comment, the Committee moved to note and file the Personnel Department report. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE

MEMBER VOTE

KORETZ: YES
LEE: YES
PRICE: ABSENT
ARL
11/4/20

-NOT OFFICIAL UNTIL COUNCIL ACTS-