

STATE OF NEW YORK

5837

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. SLATER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to requiring employers contracted for work on certain state-funded projects verify employment eligibility of employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The state finance law is amended by adding a new section
2 19-b to read as follows:
- 3 § 19-b. Employee eligibility verification. 1. For the purposes of this
4 section, the following terms shall have the following meanings:
- 5 (a) "Employer" means an individual, contractor, subcontractor, corpo-
6 ration, limited liability company, or other legal entity who is given
7 authority to hire one or more individuals for work on a state-funded
8 public works project.
- 9 (b) "State-funded public works project" means a construction project
10 that is partially or fully funded by the state.
- 11 (c) "Individual" means a job seeking applicant who is willing to
12 render performance for a state-funded public works project.
- 13 (d) "Unauthorized noncitizen" means with respect to the employment of
14 a noncitizen at a particular time, that such noncitizen does not have
15 the legal right or authorization under federal law to work in the United
16 States, as defined by 8. U.S.C. 1324A(H)(3).
- 17 2. All individuals shall properly complete Form I-9 before being
18 permitted to complete any work on a state-funded public works project.
- 19 3. No employer shall knowingly employ an individual without:
- 20 (a) examining such individual's Form I-9 prior to employing such indi-
21 vidual to ensure it was properly completed as required by law.
- 22 (b) filing Form I-9 in accordance with federal regulations promulgated
23 by the United States department of homeland security while retaining at
24 least one copy of such form.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (c) using the employment eligibility verification system to verify the
2 employment eligibility of such individual.

3 (d) receiving verification that the individual is not an unauthorized
4 noncitizen.

5 4. If an employer knowingly hires an unauthorized noncitizen and such
6 noncitizen completes work on a state-funded public works project,
7 notwithstanding any other provision of law, funding for such state-fund-
8 ed public works project shall not be paid to such employer.

9 5. If an employer violates subdivision three of this section, such
10 employer shall:

11 (a) for the first violation, be issued a formal warning of such
12 violation.

13 (b) for each additional violation, be guilty of a misdemeanor and
14 shall be punishable by imprisonment not to exceed one year or by a fine
15 not to exceed twenty-five thousand dollars per violation or both.

16 § 2. This act shall take effect one year after it shall have become a
17 law; provided, however, implementation of this act shall be in compli-
18 ance with any rules and regulations promulgated by the United States
19 department of homeland security and other relevant federal law, rules,
20 and regulations.