

POLICY

CATEGORY:	Board Administration	No: 1.0.109.00
TITLE:	Businesses Employing Undocumented Workers	
SUPERSEDES:	N/A	
EFFECTIVE:	October 28, 2011	
BOARD APPROVAL:	October 27, 2011	
DATE OF LAST REVIEW:	July 17, 2014	

I. PURPOSE:

To ensure compliance) in regards to the unlawful employment of undocumented workers and to establish the interest rate assessed on entities found in violation of the code.

II. DEFINITIONS:

Public subsidy – A public program or public benefit or assistance of any type that is designed to stimulate the economic development of a corporation, industry, or sector of the state’s economy or to create or retain jobs in Texas. The term includes, among other things, bonds, grants, loans, loan guarantees, benefits relating to an enterprise or empowerment zone, infrastructure development and improvements designed to principally benefit a single business or defined group of businesses, and matching funds. This does not include the acquisition of goods and services or child care providers.

Undocumented Worker – An individual who, at the time of employment, is not lawfully admitted for permanent residence in the United States, or is not authorized under law to be employed in that manner in the United States.

III. POLICY STATEMENT:

Any business applying to receive a public subsidy from Coastal Bend Workforce Development Board (dba Workforce Solutions of the Coastal Bend) shall certify that the business, or branch, division, or department of the business does not and will not knowingly employ an undocumented worker as defined in Texas Government Code, §2264.001(4).

Any entity who has received a public subsidy from Coastal Bend Workforce Development Board (dba Workforce Solutions of the Coastal Bend), and is convicted of a violation under 8 United States Code §1324a (f) (relating to the unlawful employment of undocumented workers) shall be charged 15% interest per annum on the amount of the subsidy.

The timeframe for the repayment of the subsidy and interest shall be negotiated based upon the individual factors associated with the case, but shall not exceed 120 days of receiving notice of violation.

IV. PROCEDURES:

All public subsidy procurement instruments and public subsidy contracts shall contain language that conveys the requirements of Texas Government Code §2264.

All public subsidy contracts shall specify the rate and terms of the payment of interest if the business is required to repay the subsidy.

All public subsidy contracts shall contain language ensuring that written agreements of any subcontractors providing public subsidies to businesses specify the rate and terms of the payment of interest if the business is required to repay the public subsidy.

V. RELATED POLICY INFORMATION:

United States Code, Chapter 8 §1324

Texas Finance Code §304

Texas Government Code §225

Texas Government Code §2264 (House Bill 1196, 80th Legislature, Regular Session (2007)

WD Letter 07-08, issued 2/7/2008, and entitled "House Bill 1196"

VI. RESPONSIBILITIES:

Contract Manager shall ensure that the appropriate statements concerning 8 U.S.C. §1324a (f) are contained in the contract.

Chief Financial Officer shall implement procedures to recover the public subsidy with interest from entities upon notice of conviction of a violation.

Procurement Manager shall ensure that the appropriate statements concerning 8 U.S.C. §1324a (f) are contained in all public subsidy procurement instruments.

VII. FORMS AND INSTRUCTIONS:

VIII. DISTRIBUTION:

Board of Directors Board Staff Contracted Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date