

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 1184  
May 21, 2014  
HOUSE PRINCIPAL CLERK

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HOUSE DRH40189-MDa-95 (03/31)

Short Title: Repeal E-Verify Exemption for Temps/Funds. (Public)

Sponsors: Representatives Cleveland, Millis, and Conrad (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL THE E-VERIFY EXEMPTION FOR TEMPORARY EMPLOYEES;  
3 TO AUTHORIZE AN EMPLOYER TO OBTAIN A NINE-MONTH WAIVER OF THE  
4 REQUIREMENT THAT EMPLOYERS USE THE E-VERIFY SYSTEM TO VERIFY  
5 THE WORK AUTHORIZATION OF THEIR EMPLOYEES WHO ARE FARM  
6 WORKERS; AND TO APPROPRIATE FUNDS TO HIRE AN ADDITIONAL  
7 INVESTIGATIVE ASSISTANT.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 64-25(3) reads as rewritten:

10 "§ 64-25. Definitions.

11 The following definitions apply in this Article:

12 ...

13 (3) Employee. – Any individual who provides services or labor for an employer  
14 in this State for wages or other remuneration. ~~The term does not include an~~  
15 ~~individual whose term of employment is less than nine months in a calendar~~  
16 ~~year.~~

17 ...."

18 SECTION 2. Article 2 of Chapter 64 of the General Statutes is amended by adding  
19 a new section to read:

20 "§ 64-39. Temporary waiver for farm workers.

21 (a) Waiver. – An employer may seek a waiver from the requirements of G.S. 64-26  
22 from the Department of Labor for employees who are farm workers. A waiver shall be effective  
23 for a period of nine months. The Department shall issue a waiver only to an applicant who  
24 provides documentation demonstrating that the employer has made good faith efforts to hire  
25 employees who are citizens or who possess valid work authorization. An application for a  
26 waiver under this section shall be for a specified number of newly hired employees and a  
27 waiver issued under this section shall waive the requirements of G.S. 64-26 only for that  
28 number of newly hired employees.

29 (b) Penalty for False Statements on Waiver Applications. – If the Department of Labor  
30 determines that an employer has made a false statement on an application for a waiver under  
31 this section, the Department shall require the employer to pay a civil penalty of five thousand  
32 dollars (\$5,000). Each false statement shall be a separate violation of this subsection."

33 SECTION 3. There is appropriated from the General Fund to the Department of  
34 Labor the sum of sixty thousand dollars (\$60,000) for a new investigative assistant position to  
35 assist in the administration of the waiver system created pursuant to G.S. 64-39.



1                   **SECTION 4.** Section 3 of this act becomes effective July 1, 2014. The remainder  
2 of this act becomes effective October 1, 2014.