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HOUSE BILL NO. 2687

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-27.2, relating to discharge of employees by employers employing unauthorized aliens.*

Patrons—Reid, Frederick, Gear and Hugo

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 40.1-27.2 as follows:**

§ 40.1-27.2. Discharge of employee when unauthorized aliens are employed.

A. As used in this section:

"Basic Pilot Program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208, Division C, § 403(a); 8 U.S.C. 1324a, operated by the United States Department of Homeland Security, or any other federal work authorization program designated for that purpose.

"Employment" means the act of employing or state of being employed, engaged, or hired within the Commonwealth.

"Unauthorized alien" means any person who is an undocumented immigrant and who is in this country illegally and is performing or applying for work or service of any kind or character for hire.

B. It shall be an unfair employment practice for an employer to discharge any employee who is a citizen of the United States or a legally authorized worker if the employer, on the date of the discharge, employed an unauthorized alien within the Commonwealth.

C. An individual who is discharged from employment by an employer in violation of the unfair employment practice described in subsection B shall be entitled to initiate an action to recover an amount equal to three times the actual damages sustained by the employee, including but not limited to lost wages or compensation from the date of the discharge until the date the employee has procured new employment at an equivalent rate of compensation, or 120 days, whichever occurs earlier, and reasonable attorney's fees and costs.

D. This section shall not apply to any employer within the Commonwealth that (i) has enrolled and participates in the federal Basic Pilot Program or (ii) is exempt from compliance with federal employment verification procedures under federal law that makes the employment of unauthorized aliens unlawful.

INTRODUCED

HB2687